



OSU LAW RECORD

The Ohio State University College of Law Alumni Association

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The Role of the Lawyer

PAST
PRESENT
FUTURE

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On the cover

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The Future of Law Practice

Earl Finbar Murphy

(From a commencement address given at The University of Arizona, May 1982.)

Cicero liked to begin his orations by telling the Conscript Fathers what his speech to them would **not** be covering. I can do no less.

My topic is the future practice of law, but my focus will **not** be on the mechanics of the practice. Note that I did not say the "mere" mechanics of legal practice, because I believe in their importance. It is the mechanics that move along a lawyer's day, establish the routine of the office, and, truly, determine the forms that the practice will take.

Beginning in the 1880's and continuing with each subsequent decade, the American legal profession has been able to inundate itself, as well as the rest of the country, with paper. More and more paper is generated; yet even so, improved technology allows us greater control over paper. What is potentially revolutionary about the course of technology is that the time may be coming when lawyers will use as little paper in their practice as they did 100 years ago.

Perhaps in the future only small amounts of print need be called up on a screen and even less will then be printed out. When this happens, mechanics will once again have dramatically transformed law practice.

So the mechanics of law practice has been, is, and will be important. The future of legal technology will be liberating; and the burdens of that liberation are already being felt, even though the future still

retains many of the opportunities. But this is not to be the focus of my topic. Instead, I shall concentrate upon the lawyer's future role and the chances for the fame and fortune attainable in the practice of law.

Obviously, I have had to make a few basic assumptions in this regard since, if these assumptions prove wrong, my predictions in the event will be chaff blown away by the wind. First of all, I assume no nuclear war. If such a conflict erupts on any but the narrowest scale—and how narrow would that scale have to be?—the practice of law would not be much of a continuing social function. Secondly, I assume no basic social revolutions that would scrap our heritage. They could occur. If they do, since all the experiences would be new ones, no references can be made today to them. And, thirdly, I assume that recent graduates, given overall ages and life expectancies, will practice for about the next fifty years. So let us remember that I am not trying to peer much beyond the year 2030.

The United States has increasingly experienced fairly obvious and high transaction costs. Some of these, such as the statutes providing for environmental protection and income transfer to lower-income levels of the population, are the result of legal constraints stemming from social decisions translated into laws by the political process. Others, such as increased energy costs, are the product of market forces, foreign actions, physical dependences, and so forth that are substantially metalegal in their operations. Whether American transaction costs are relatively high or low to compared economies, such as respectively the Japanese economy for the one and the Scandinavian for the other comparison, it is my belief that the American lawyer keeps the overall transaction costs fairly low.

I know that this contradicts most of what we are told. But what we are commonly told is not by its commonness thereby made true. Lawyers in the United States do make some costs higher than would be true if there were no lawyers. And all costs generated by lawyers are self-evidently revealed in stark terms. But that simply makes Americans aware of what their system costs; and I think that having an awareness of costs is better for an economy than blissful ignorance—in terms of the quality of decisions, the efficiency of technological change, and of economic actions at the margin. Nor do I believe that the American lawyer is a high cost functionary of minimal social value.

The question lawyers have had to answer since Wat Tyler's rebellion in 1381 is: Why not kill all the lawyers? or put less bloodily but no less finally: Why is the lawyer not a socially useless appendage? In terms of American experience, I believe that lawyers are socially useful creatures who ought not to be liquidated for a wide range of pragmatic reasons.

We Americans have assigned to lawyers roles of mediation and of formulation. Lawyers shape the subject-matter of our quarrels for those willing to accept the law's adversarial constraints. In so doing, lawyers also become lightning rods for the occasional bolt of public electricity; nor should lawyers rationally expect their role to be risk-free.

Of course, somewhere along the way of what we call American history, beginning in the early 17th century, Americans chose to rely heavily on lawyers to formulate and to mediate their problems. We need not have done so. We could have chosen a landed or mercantile aristocracy, political party workers, the police, social workers, economists—and at different times in our history we have used all of these as agents for social management. But, consistently, our greatest reliance has been placed in the lawyer.

We could have entirely replaced lawyers with some or several of these social actors. But I think that it is in comparison with these alternatives that lawyers have kept our American society's transaction costs low. The open character of the lawyer's contribution to moving decisions along make the lawyer's costs seem high. If we eliminated lawyers, we would not necessarily reduce our transaction costs.

Rather, in my opinion, the costs would increase hugely, on what could be called a Polish scale. Poland in the 18th century depended on her aristocracy with their *liberum veto*. Poland in the 20th century



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has depended upon her Army and party apparatus. In either case, what were her transaction costs? And if Aaron Burr had succeeded in becoming Emperor of America, how very different our transaction costs would have been between then and now.

Certainly a transfer of formulating-mediating roles from American lawyers to American generals, police, party machines, or what-have-you, would likely provide a less self-conscious, self-articulating, or open system of social, economic, and political transactions. And many people believe that this kind of shift would provide a reduction in tensions by lowering the visibility of conflict. But I believe such a shift would be more of an apparent than a real tension-reducer.

Naturally, if lawyers were eliminated from the roles our traditions have assigned to them, persons who are not now—and never wish to be—lawyers would individually benefit as the new managers of decision formulation and conflict resolution. But that is only to say that those who want change are no more selfless than those who do not. Even lawyers can dream of exercising responsibility and power as non-lawyers in a lawyer-free system. It is not my view that American society cannot dispense with lawyers. It is only that I believe we would be exchanging relative frugality for pleonexy in terms of social transaction costs.

We have had a long tradition, stretching back over three centuries, of relying on lawyers to tell us how to frame and determine our problems. We have learned as a polity to cast our disputes in a legal form so that courts may settle social, political, and economic disputes and the other branches of government may conduct their affairs as if the decorum of court process were largely suitable for them as well.

Still, if we are able to keep these traditions, we must show again and again that lawyers can do what Americans have expected of them. If we fail to prove this, then how great would our social value be? And why should Americans not, in such a case, kill off, at the least, *some* of the lawyers?

There would be Americans sympathetic to that proposition in either a more or less modest form. American society has continuously resented the traditional tasks that have been assigned socially to lawyers, to judges, and to the law itself. The resentments have varied in their intensity and in what they have concentrated upon in the nearly four centuries since the foundation of Jamestown. Why should they not?

Right now, three separate sets of charges are being brought to bear by serious-minded people. (By frivolous people, too, who may be much more important.) The first set of charges is that lawyers and the courts are assuming functions that belong to, and can be performed better by, the family, religion, or the give-and-take of democratic politics. This is a general accusation of an arrogation of power wrongly asserted. The second set of charges claims that lawyers and the courts are resolving conflicts which the family, religion, and the political process cannot, or refuse to, resolve. This is a more specific accusation of the law stepping in precipitately rather than seeking a reconstitution of the strength or confidence of the other social forces. And thirdly, lawyers and the courts are said to have failed, either as to how they have handled these traditionally non-legal responsibilities or in how they have handled what tradition regards as their proper functions, such as in the administration of the criminal law. This last set of charges usually is more issue specific, coming more from within the legal profession than without.

Assuredly all of these are current criticisms. I think for myself that they ought to be made, though with less of a tone of self-righteousness. Some people on a grand jury if asked their names would answer, "True Bill". But indictments are not always what are needed and social critics of law, the courts, and lawyers ought to do more than wage guerrilla warfare. As lawyers we must respond to unfair criticism, or fair criticism unfairly put, and not plaintively wait for the fairest critic who assumes the burden of offering alternatives to perceived failures, who generously forgives our minor lapses in our defense, and is always scrupulous in the presentation of facts.

Perhaps the lawyer's highest duty lies in maintaining a rigorous standard of self-evaluation. Not everything in law known since the Plantagenets needs scrapping but nothing should escape reoccurring evaluations. This would not preempt criticism by non-lawyers or lawyers, law, or the courts. In the American system, lay people are full participants in the law-making and law-applying processes. At our best, we lawyers are only their surrogates. Yet we ought not to leave all criticism or change to their initiative. But then in the American scheme of things such an abdication by lawyers is close to the impossible.

What, therefore, will lawyers be doing toward the middle of the 21st century in the United States? First of all, lawyers will still be representing litigants in adversary proceedings. Whether or not such representation was the cause for the emergence of the legal profession, it is hard to imagine any system under a rule of law that did not permit the availability of trained counsel to assist persons involved in controversies between themselves and others, including the state in the latter category. Some see this in relative decline in comparison with other law work, a decline that will increase even if absolute numbers should grow; but no one would assert the likely disappearance of this law task. Surely there will be some folk-hero akin to Perry Mason in the mid-21st century, since lawyers have appeared prominently in American fiction since at least the mid-19th century.

Today's free-wheeling jurist had better self-prepare for far less juridical freedom.

But we also see over the succeeding decades an increasing bureaucratization of the whole court system. For the advocate, this means that the adversarial role will be employed more and more in administrative, non-trial procedures. With plea-bargaining and pre-trial practice, the practitioner is already well launched on this development. Lawyers will also be more involved in follow-up monitoring jobs, reporting to a judiciary who will themselves be held to higher accountability, closer supervision, and conformity to performance standards.

Today's free-wheeling jurist had better self-prepare for far less juridical freedom. The so-called side-offices of the courts are even now increasing in importance. This administrative apparatus is in the process of being pulled together and placed under

central direction. As the people whom we have called clerks rise in significance, the people whom we have called judges will undergo that much of a diminution. The costs of operating the judicial branch will continue rising, eventually reaching amounts that will show how trivial have been the judiciary's costs up to this time. Consequently, while only a few recent graduates might become judges, a great many more can expect to perform substantial, well-compensated, and co-equally valuable jobs in the growing administration of the court system.

At the same time as judges become less regarded as independent entities and become more integrated into the overall instrumentation of public legal policy, the past perceptions of the lawyer as a member of an autonomous guild will change. Any professional prestige that is derivative from such guild autonomy will diminish. Already we have lost the guild power to set fees; the laity are becoming increasingly involved in our disciplinary actions; and our controls over admission to, as well as our power to define, the practice of law faces an accelerating rate of challenge. This frees the individual lawyer to exercise greater personal control rather than sharing as much of it with the masters of the guild. The individual lawyer will be able to earn more private respect. But these opportunities will not come without the lessening of the advantages coming from the old guild privileges.

Perhaps what the 21st century will offer our profession, as a compensating advantage for those losses, will be an increased role as the formulators of law. We shall be more involved in the drafting of statutes, of regulations, and of contracts. In this changed action, we shall see private and public legislation tending to merge as the practitioner turns from a rule-making proceeding to the preparation of a contract drawn in accordance with those rules. The distinction between public and private law will grow very tenuous.

Our American society in the 21st century, in consequence, will become far more legalized. The present criminal-civil dichotomy will continue to blur as it has even within our current constitutional framework. The despised "cashier's court" for minor offenses will be despised no longer. The analogous civil penalty, which has grown from its origin in the Customs to include securities and environmental harm, will be relied on far more heavily.



Earl Finbar Murphy, C. William O'Neill
Professor of Law and Judicial Administration teaches First-Year Property, Land Use Planning, Environmental Law, Legal History, and Jurisprudence. Professor Murphy has been a member of the faculty since 1969 and is a recognized scholar in his field of environmental law.

Because we shall see an expansion of what constitutes a public offense, this simple civil alternative, for which many will opt because of its savings in time, effort and (the grand summarizer) money, will become quite common. A kind of universal "plea bargaining" will take place in order to compromise the difference between the public demand on the one hand and how the individuals under such demands want to behave as to their property, employment, investment or other behavior concerning their attributes and capacities.

If the balance is to be kept homeostatic, lawyers will have essential, indeed exciting, roles to play. If everyone is a recipient of public demands, then everyone can use legal assistance to avoid assignment to some personally injurious category. Even though blocs of legal relationships will be assigned to methods of mediation or arbitration, with prior party approval not to appeal to some court, lawyers will be the means of assuring the fair operation of such alternative decision-making.

People say the United States is becoming more lawyer dependent. But then people ought also to say the United States is being more law-managed. Given the continuing strength of the latter

course, the growth in lawyer activity becomes a benign necessity—unless we believe that the individual ought to regularly accept any public demand without any attempt either to negotiate or avoid the rigors of that demand.

Under these conditions, we as lawyers will become more professionally divided, to some extent hierarchically so. Legal specialization will increase and will be reinforced by the complexity of law. Just as we have exchanged "Dick-and-Jane-on-Cherry-Street" courses in the law school curriculum for courses with more complicated characters and loci, so also has complexity increased exponentially in the practice. Complexity is no accident and, hence, shall not diminish in its intensity. This will produce two differing consequences for our profession.

The first consequence will be one of liberation for the practitioner. Out of complexity comes liberty. Legal specialists will acquire considerable freedom from general social pressure, for any specialist, legal or non-legal, can expect greater freedom, income, and prestige the more difficult the task that is to be accomplished. Most law will remain what it always has been, what it must be in its greater extent: self-executing. But where legal assistance is to be required, the complexities facing the future practitioner will be more common than previously has been the case.

But the second consequence will be a higher liability for malpractice. The bureaucratized judiciary will require of the practicing lawyer higher standards for both the highly and the less specialized—and will closely supervise their application. For their own protection, lawyers will want specialized entrance requirements, proof of continuing legal education, and periodic re-examinations.

I hope that we do not try the defense of asserting an expert mystique: Druid priests of our secular cult offering hecatombs of human victims. Cynics say that you can fool all of the people some of the time—and, in the short run, nothing else matters. But would the legal profession want a run that short?

Probably, under the impact of these consequences of complexity, the higher levels of prestige, power, and income will be restricted to a narrower band than is true today. In that case, the legal profession's own self-valuation would become more stratified. But this would not mean a division between a pride of lordly advocates and a pack of drudging scriveners. The growing complexities of the law, after all, only reflect the growing

complexities of society. Rarely does the law magnify them. For that reason alone, divisions within the profession will be many and highly various.

The likelihood is that much law experience will become more impersonal as the national bureaucratic processes draw more lawyers into them. (Probably Kafka became more Kafkaesque because he spent his life as a lawyer in a government insurance office calculating risks.) Personal reputation for the individual lawyer will become harder to identify among both peers and public. Still, once that individual reputation should become established, the bearer of it will hold a greater prominence than is the case today.

We shall see an increased routinization of law work. That will be a product of the Computer Age about which I said I would not speak. I shall say only this about it: The more routinized the practice of law, one can expect to gain little prestige from being competent at that routine. At the same time, one must know that any reputation will be swiftly lost through any failure at performing the routine. Only the truly innovative lawyer will acquire any individual reputation, and against that will be the pressure to be self-effacing from such newly more significant aspects of the practice as that of mediator. But, then, as Henry Kissinger has shown, fame can come to even him who mediates.

Because of the increase in routinization of the practice of law, the value of paralegal assistance will continue to increase. Work previously done by lawyers is now being done by the paralegal assistant who can expect to receive increasing transfers of what we have thought of as lawyers' work. The appearance of national law firms, inhibited in their growth mostly by stricter conflict of interest rules, provides a firm foundation for continued strong reliance on paralegal assistance.

I can say quite easily: The successful lawyer will build a career on the wise use of paralegal assistance which will bring into sharp distinction the difference in the services performed. But this is like saying: There is always room at the top. Yet what can I say with more precision?

Once again I return to the new mechanics of law in the 21st century, to law's then still greater complexity, to the rise in a public demand that will itself create demand for lawyers' interposition. Maybe you will find yourself involved in routine, dependent on your specialization,

a member of profession in which you will find it risky to cross-specialize and hard to move from stratum to stratum. Surely there will be those constraints, competitors, the limitations of professional structure and social demands. If a lawyer's billable time per hour is three, or four, or five times that of paralegal work, you should not have to look far for at least one reason as to why we lawyers have a competitor, a constraint, and a threat to our sense of security.

If American society prefers stasis in social action, the lawyers' chances at playing a successful role are put at great risk.

I believe that the United States will continue to provide the conditions under which lawyers can entertain high prestige aspirations and the change for roles as important as any played by lawyers in our history. Lawyers will continue to be important in helping produce movement in American transactions. The leverage exerted by the legal profession will be a major means of producing social, economic, or political change.

The lawyers' role shows every sign of increasing. Still, I have no desire for lawyers to succeed to every role in American society. The one time the United States Supreme Court sought to lay to rest a great moral question for all times, the Dred Scott decision, the Civil War ensued. The lawyer should not be, in the long view cannot be, everybody else's *Heir Apparent*.

The Bar must keep in close contact with the laity. Remember the lawyer's job is to serve them. They and we are "society." Proud isolation by our profession has always preceded its chastisement.

If American society prefers stasis in social action, the lawyers' chances at playing a successful role are put at great risk. Lawyers work best in assisting incremental change and find it hard to offer successful service when change is sudden and violent. Then the poet Mayakovsky is likely to be the better prophet: "Comrade Politicians give it a rest. Comrade Revolver has the floor."

When society chooses to institutionalize problems rather than seeking their solution, those who are required to run the institutions can expect to be criticized. If change comes abruptly, they need not be surprised to be punished even for what they did well. When stasis is the social preference, lawyers can most expect

charges about the alleged high costs of their services, their misdirection of resources, and the claim that they might be better employed, say at cleaning public latrines. Nor should lawyers deny the risk to the profession of being defenders of fossilized social structures. When that happens, the meanest accusations can be the most accurate.

Our work will determine in part the ways American society will go between now and the mid-21st century: fossilization, revolution, or the ever-available fresh changes that discovery and development can continue to confer on American society.

Lawyers in the future, though, will not be guaranteed high income, prestige, or social positioning simply because their profession as a whole is performing increasingly significant functions, particularly should those functions be essential ones that no other group in society will perform. The individual lawyer's reputation, under such circumstances, would come from a personal identification with the work performed; and the lawyers performing such work would largely do so as part of administrative structures. The offices of corporate and agency counsel, the bureaucratized judiciary, the legalization of many activities will be the places within which the work of most lawyers will be done. They will be in close contact with similar professional workers—accountants, corporate managers, and public administrators. If lawyers fail to find their professional identity in this work and allow themselves to be caught in alienation and anomie, then truly will the

profession, as well as our larger society, be in serious trouble.

My view is that the individual lawyer will retain through the first half of the 21st century a substantial control over the choice of legal roles to be played during that lawyer's life in the law. The increase in the relative numbers of lawyers to general population, which we witnessed in the decade of the 1970's, will not occur again. Society will have only a limited wish to mandate performance of particular services—as compared with society's high interest in how mandated duties are performed—for those providing legal services. Lawyers will be permitted by our American society a wide range of jobs

(Continued on page 8)

College News

National Council elects new members

The advisory, oversight, and fund raising arm of the Alumni Association of the College of Law is the National Council. Over the years members of this Council have provided leadership and support to the College in many beneficial ways. The Council meets twice a year and has a wide agenda of interests.

The Council membership was expanded to sixty members by the 1981 amendments to the Articles of Association. To fill the newly created positions, the Council elected seven alumni/ae at the Spring 1982 meeting. The *Law Record* is pleased to introduce the new members representing the alumni constituency.



Michael F. Colley earned both his B.A. and his J.D. degrees from Ohio State. He graduated from the College in 1961. He began his professional career as an assistant attorney for the City of Columbus and from 1963-64 was special counsel to the Ohio Attorney General William B. Saxbe.

He entered into private practice in 1964 and maintains his office as Michael F. Colley and Associates. Primarily a trial lawyer, he has served as president of both the Franklin County Trial Lawyers, and the Ohio Academy of Trial Lawyers. He was elected president of the 50,000 member Association of Trial Lawyers of America for 1978-79. He recently became president of the Roscoe Pound - ATLA Foundation, Washington, D.C.

Since 1968 his career in politics has brought similar distinction of achievement in a variety of organizational and

campaign activities. He has served as chairman of the Franklin County Republican Party from 1978. In February of 1982 he was named chairman of the Republican State Central and Executive Committee of Ohio and became a member of the Republican National Committee.

He was elected to the National Council for the term ending Spring 1986.



J. Michael Herr entered the College of Law in the fall of 1965 after completing his undergraduate work at the University of Notre Dame. During law school, he served on the editorial board of the *Ohio State Law Journal* and graduated *summa cum laude*. He was elected to the Order of the Coif.

Mike Herr accelerated his legal education and graduated in December of 1967. He joined the law firm of Smith & Schnacke of Dayton where he remains in practice. Since joining the firm as its 28th member, the firm has more than quadrupled and has opened a branch office in Columbus. He was made a partner in 1973 and practices in the corporate area, primarily with mergers, acquisitions, and securities.

Mike and his wife, Nancy, have three daughters. His oldest daughter is a freshman at the University of Southern California. Although a good student, she is also an outstanding tennis player, winning the U.S. Junior Open singles competition in 1982. While in high school, she won the 1981 Ohio Women's Singles title. The next youngest daughter is also an accomplished player and was the runner-up for the Ohio doubles title in 1981. Their 10 year old has not yet decided whether she will follow in the tennis tracks of her sisters.

Mike has helped the College with the organization of alumni in the Dayton area. He was elected to the National Council for the term ending Spring 1985.



Almeta A. Johnson entered the College in the fall of 1968 from Johnson C. Smith University. She was the first student recruited through the College's affirmative action program established in 1967. As a student she contributed to the College's effort to build an effective minority recruitment program. She continues that interest as a member of the board and officer of the Ohio Law Opportunity Fund. **Robert C. Coplan '42** working with the College was very instrumental in establishing this important fund.

After graduation, Almeta Johnson joined the law firm of Benesch, Friendlander, Coplan & Arnoff, Cleveland, where she practiced from 1971 to February 1975. In 1975 she was appointed by the mayor of Cleveland as chief police prosecutor for the City. She remained in this position until February 1980. At that time she formed a law office with two other women lawyers. The office was recently reorganized and in October of this year she went into association with the firm of Sindell, Lowe, Guidubaldi.

Almeta Johnson is married and has a 4 year old daughter and stepson. She was elected to the National Council for the term ending Spring 1986.



Diane L. Schenke entered the College of Law in the fall of 1973 upon completing her B.A. degree *summa cum laude* at Case Western Reserve University. She was elected to Phi Beta Kappa.

At the College of Law, she was a member of the *Ohio State Law Journal* staff in 1974-75 and was elected editor-in-chief the following year. She received several awards at the College for scholastic achievement and legal writing.

Her interest in environmental law developed during her undergraduate program and she continued this interest through her program of legal study and summer internships. Upon graduation, she joined the firm of Vinson & Elkins, Houston, Texas with which she is currently associated. Her practice is primarily in environmental law and land use matters.

She is married and has a year old son. Diane was elected to the term ending Spring 1984.

A. Michael Schwarzwald received his undergraduate degree at Ohio State in 1965. He entered the College in 1967 after he and his wife Karen completed a two-year tour of duty in Tanzania, East Africa with the Peace Corps. His political talents emerged while at the College and he was elected S.B.A. president in 1969.

Upon graduation, he joined the staff of the Legal Aid and Defender Society for which he clerked while in law school. In November of 1971, he left the Society to form the law firm of Campbell, Boyland & Schwarzwald. He continues in practice today with the present firm name of Sanford, Fisher, Fahey, Boyland & Schwarzwald, Columbus.

In 1976, Mike Schwarzwald was elected State Senator from the 16th District. He was reelected in 1980 to a term ending January 1985. In the Ohio Senate, he serves on the Judiciary Committee (acts as Secretary), the Ways and Means Committee, and the Local Government, Urban Affairs & Small Business Committee. He also is a member of the Welfare Oversight Commission and the Youth Service Oversight Commission. These commissions are charged with following the implementation of major legislative enactments. He is also involved in community organizations and activities, and has received various awards for public service.

Senator Schwarzwald and his wife have two daughters age 14 and 12. He was elected to the National Council for a term ending Spring 1985.



Larry J. Van Fossen graduated from the College of Law in 1963 and was elected to Order of the Coif. As an ROTC graduate from the University of Cincinnati, he fulfilled his military obligation in the U.S. Army from 1963-1965 as a first lieutenant in the Artillery Battery. Upon leaving the service, he joined the law firm which is known today as Porter, Wright, Morris & Arthur, Columbus. He practiced in the corporate department from 1965 to 1974.

During this time, one of his clients was Chemlawn Corporation and he was elected to the Board of Directors in 1971. In 1974, he joined Chemlawn as its chief executive officer where he serves today. When he began his presidency, the corporation had sales of \$15 million. Today its sales are over \$180 million and it has branches in over 35 states and Canada. The company operates in some 90 marketing areas and in 1982 reached its 1,000,000th customer. The corporation also employs **Mary Jane Goldwaite** a '73 graduate of the College as vice president and general counsel.

Jack Van Fossen is active in various community organizations. He also is busy keeping up with his daughter who is a junior at Miami University and his sixteen year old son. He serves on the College's Major Gift Committee and was elected to the National Council for a term ending Spring 1985.

James F. White enrolled at the College of Law in 1962 after receiving his B.A. from Princeton University. Following completion of his legal education in 1965, he pursued the MBA program in Accounting at the Wharton School of Finance, University of Pennsylvania. After a year in this program, he decided it would be more to his interest to obtain a graduate degree in law. He enrolled in the graduate program at New York University Law School and received his LL.M. in Taxation in 1967.

Jim White began his law practice with the Toledo firm of Shumaker, Loop & Kendrick in 1967 where he remains today. He was made a partner in the firm in 1972 and is involved with a tax, corporate and securities practice. In addition to his practice he maintains an active presence in community affairs. Currently he serves on the Toledo-Lucas County Convention and Visitor Bureau which is formulating the construction of a 40 million dollar convention complex.

He and his wife Susan have a son, 13, and a daughter, 11. He has been involved with various College activities and is serving on the organizing committee for the class of 1965 reunion. He was elected to the National Council for the term ending Spring 1984.

Council members reelected

By the provisions of the 1981 amendments to the Articles of Association, membership on the National Council was established for a term of five years. In order to implement this provision, the Steering Committee of the Council assigned staggered terms among the membership. The twelve members assigned to the term ending Spring 1982 were invited to stand for reelection. Ten of the members responded positively and they were elected to serve for the term ending Spring 1987. These members were **Robert L. Bayleat** '52, Lima; **Robert W. Briggs** '66, Akron; **Marshall Cox** '59, New York; **Robert M. Duncan** '52, Columbus; **Melodee S. Kornacker** '79, Columbus; **John H. Lahey** '72, Columbus; **Norman W. Shibley** '49, Cleveland; **Paul M. Smart** '53, Toledo; **William K. Thomas** '35, Cleveland, and **Ithamar D. Weed** '39, Cincinnati.

Alumni who completed service on the Council during the past year are **William B. Devaney** '48, Washington D.C., **David**



State Representatives Ben Rose '69 and Otto Beatty, Jr. '65 confer at spring luncheon.

A. Katz '57, Cleveland, and **Malcolm M. Prine** '52, Pittsburgh. The College is grateful to these men and all of the members of the Council who have contributed interest and support to the College.

Recent grads hold luncheon

One of the objectives of the Class Representative program initiated in the fall of 1980 was to build closer relationships among graduates and between them and the College. Special organizing efforts have been directed to recent graduates. In May about 90 alumni/ae from the classes 1977 to 1981 gathered at the Sheraton Hotel in Columbus for a luncheon meeting.

The planning committee working with the College were Class Representatives **Renee Kaufman** '81, **Jeff Hayman** '80, **Kevin Reichley** '79, **Eleanor Speelman** '78, and **Buzz Trafford** '77. Buzz Trafford served as the luncheon host. He welcomed the graduates and introduced the guests Dean James Meeks and Professors Lawrence Herman and Morgan Shipman. Both of these professors had received the award of Outstanding Teacher of the Year by two of the graduating classes participating in the luncheon. Each professor made some short comments to the group and Dean Meeks highlighted changes taking place at the College with respect to faculty and programs.

The luncheon was the first initiative of this kind. The success and positive reaction from those attending make repetition likely.

Dean honors alumni legislators

Counted among the ranks of the Ohio Legislature are eight graduates of the College of Law, all of whom completed their legal education since 1965. Alumni legislators have made significant contributions within the Senate and House and their public service has been a credit to the College of Law and the University.

In recognition of their leadership, Dean Meeks hosted a spring luncheon for Senators **Paul E. Pfeiffer** '66, 26th District, and **A. Michael Schwarzwald** '70, 16th District and Representatives **Clair M. Ball** '67, Jr., 91st District, **William G. Batchelder** '67, 93rd District, **Otto Beatty, Jr.** '65, 31st District, **David Karmol** '78, 44th District, **Waldo Bennett Rose**, '69, 64th District and **Charles Rockwell Saxbe**, '75, 75th District. Because of the press of legislative business, not all were able to be present, but those that were able to attend enjoyed a frank and candid discussion about the law school and the future of the profession.

Dean Meeks answered questions about policies, procedures, and programs. Some of the exchange involved the development of student relationships with the legislature and the offices of legislators. There was interest to continue periodic, informal exchanges as initiated by this luncheon.



Senator Bricker shares celebration with partner John Eckler.

Bricker celebrates birthday

On September 6, 1982, former Senator **John W. Bricker** celebrated his 89th birthday in the Columbus offices of his law firm, Bricker & Eckler. Senator Bricker has remained active in his law firm since retiring from public office in 1958. He formed the law firm in 1945 and it has grown to approximately 60 attorneys at the present time. He has had an active life of public service, including service to the University and the College of Law. We wish him belated returns of the day.

Pomerene Trust builds professorship fund

Warner Pomerene graduated from the College of Law in 1917. He spent most of his professional life practicing law in Coshocton, Ohio where he formed the firm of Pomerene, Burns & Milligan. Upon his death in 1980, and subsequently that of his wife, the Warner and Lora Pomerene Trust has paid over approximately \$50,000 to the College of Law. By direction, the funds have been added to the principal of **John W. Bricker** Endowed Professorship Fund.

Professor Morgan Shipman was designated as the **John W. Bricker Professor of Law** in 1974. Professor Shipman has been a member of the faculty since 1969 and is a Visiting Professor at the School of Law, University of California, Berkeley for the Fall semester. He will resume teaching at the College Winter Quarter.

The College is grateful for this significant expression of alumni support.

Dean visits alumni groups

Keeping up with Dean James E. Meeks during the fall requires a fast track. Meeting with alumni is a major agenda and a continuing commitment of the dean.

Alumni reunions are but one part of the dean's alumni activity. He is on the road and in the air enroute to alumni gatherings around Ohio, as well as out of state. All meetings out of Columbus are coordinated through the helpful arrangements of alumni in the area visited.

For the fall, Dean Meeks often accompanied by John Meyers, Development Officer working with the College, has met with the following alumni groups:

September 15

Alumni in the Cincinnati area met for a late afternoon cocktail party. The large turn out was achieved mainly through the efforts of **James K. Lawrence '65**.

October 12

Lorain County alumni met at the Elyria Country Club. The evening was coordinated by **John S. Haynes '68** and **Roy A. West '59**.

November 1

Detroit area alumni were invited to the University Club for cocktails and several remained after for dinner. **Lawrence F. Schiller '76** organized the Detroit meeting.

November 11

From south to north, the dean travelled to the Findlay Country Club to meet alumni invited from Hancock, Hardin, Putnam, Seneca, and Wyandott Counties. This meeting was arranged by **Jeffrey T. Hodge '79**.

December 13

Across the state line in Pittsburgh, alumni are scheduled to meet for an evening organized by **Jeffrey M. Goldsmith '79**.

Dean Meeks enjoys meeting with alumni and is grateful for the hospitality and reception he receives. Many with whom he meets completed their education prior to his arrival at the College in 1978. The dean appreciates these occasions to talk about the College's changes and achievements as well as its challenges and needs for the present and future. Additionally, he welcomes these opportunities to thank alumni personally for their support through gifts, placement recruitment, and general promotion of the College.

Dean Meeks also attempts to make occasional visits to Columbus law firms. His most recent visitations were with Bricker & Eckler and Alexander, Ebinger, Fisher, McAlister & Lawrence. Relationships between Columbus firms and the College have been strengthened through the College Law Partners program which now includes 14 firms.

Continued from page 4.

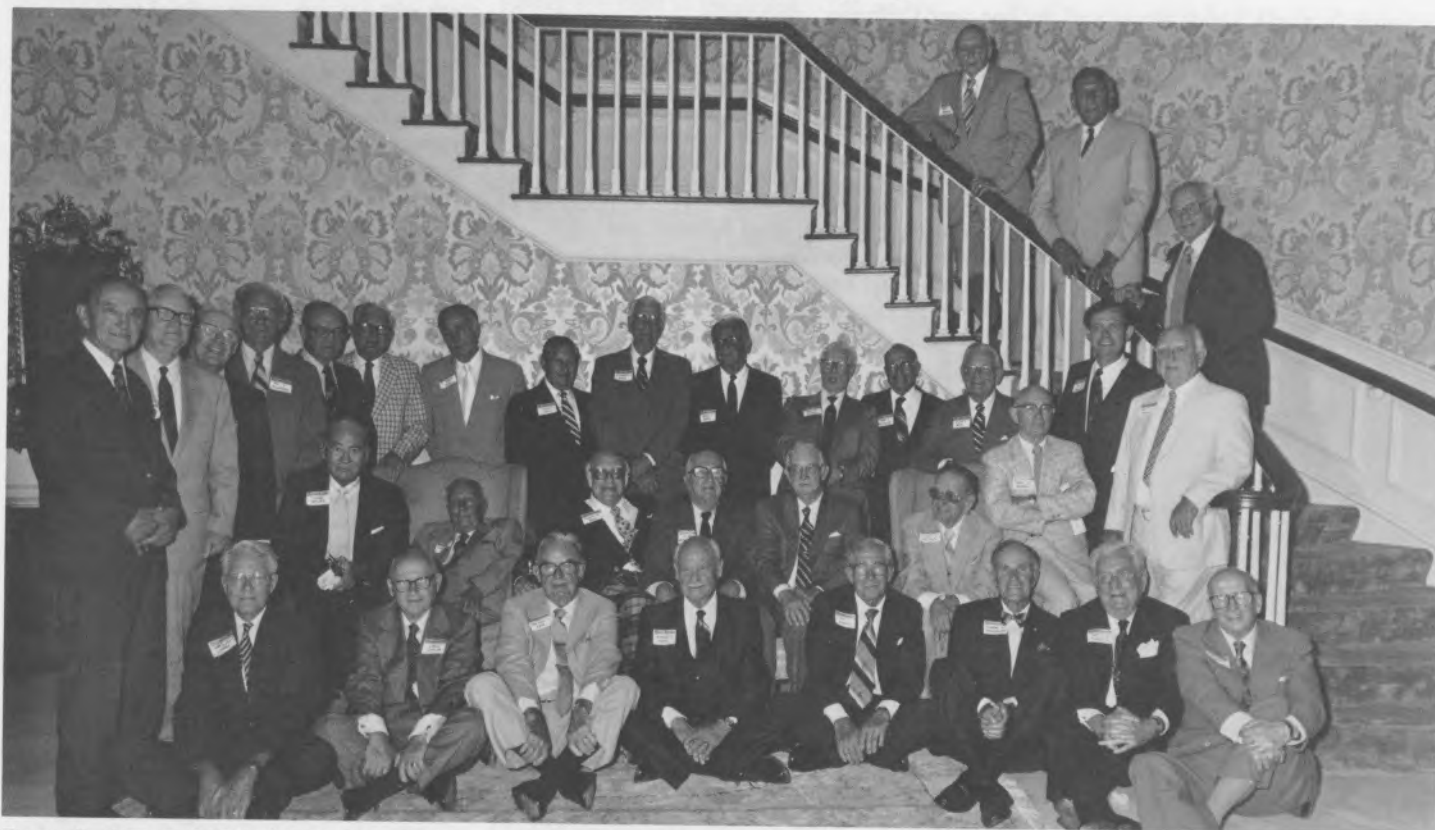
The Future of Law Practice

among which lawyers may sort themselves out in terms of their personal preferences and constraints.

Lawyers ought not to allow any diminution in whatever sense of unity exists among members of our profession. Contacts should not be limited to fellow legal specialists or to similar specialists in related fields. The Bar must not be divided into "upper" and "lower" strata, whatever criteria would be used in such a self-destructive course. The Bar must keep in close contact with the laity. Remember, the lawyers' job is to serve them. They and we are "society". Proud isolation by our profession has always preceded its chastisement. The future would be no different in that regard.

But, oh, how hard it is to foresee the future! When Tennyson wrote "Locksley Hall" he was essentially optimistic about the future. When Matthew Arnold wrote "Dover Beach", he was not. Interestingly, they seem both to have been right. Still, they were talking of the future of all humanity, while all I have done is consider the possibilities inherent in a small bundle of years for a relatively small number of people in just one country. That's rifling it on a target with a vengeance!

Salute to the Class of '32



Front: L. Lyman, L. Wexler, E. Kerr, L. Ramey, E. Lombardo, G. Chamblin, C. McGreevy, F. Lang. Seated: L. Caplan, W. Smith, A. Kaye, P. McNamara, W. Hunter, R. Gonzalez, N. George. Standing: J. Pincura, R. Wead, H. Schear, P. Millstone, R. Jeter, E. Smith, R. Jones, I.M. Harris, E.A. Moats, D. Greek, P. Cochran, J. Armogida, W. Davis. (Dean J. Meeks), D. Morgan. Stairs: R. Richards, F. Levin, H. Dworkin.

Members celebrate 50th year

Time's movement is constant, but one's perception of time is ever changing. For the men and woman graduating from the College in 1932, 50 years was at least a century away. For the 34 class members who gathered together this September for their 50th graduation reunion, 50 years ago seemed like only yesterday.

On August 13, 1932, class of '32 members were formally admitted to the Bar of Ohio. Over the next 50 years, they were to be successful lawyers, contributors to their communities, and loyal supporters of the College. The *Law Record* is pleased to pay tribute to members of the Class of 1932 and to extend congratulations to all on behalf of the College and its alumni.

New students enrolling at the College in the fall of 1929 arrived amid an economic euphoria that within weeks

would sink with the sensational crash of the stock market. For the next years students and faculty persevered. The College during their enrollment was under the leadership of Dean Herschel W. Arant who served as Dean from 1928 until his appointment to the Sixth Circuit in 1939. The faculty during '29 to '32 were about 13 in number and today the sole survivor is Robert E. Mathews.

The graduates of 1932 entered the profession in the midst of the Great Depression. The national unemployment rate was 23.6% and just ahead lay the collapse of the banking system, the bank holiday and the struggling years of the reconstruction. As **George Chamblin** aptly put it at the reunion dinner, "remember, the good old days were once Trying Times."

The reunion was the tenth these friends had organized since their Page Hall days. No other graduating class has maintained such a reunion tradition. Whether the cohesiveness of this class was a product of the hard times in which they studied and entered practice, or whether it is simply the commitment of dedicated members, the Class of 1932 has shared on-going friendships among themselves and their spouses through these many years.

The reunion of 1982 was indeed special and deserved special planning. And when the planning agenda got too long the fun was not cut, just the party extended. The celebration began with dinner Thursday evening September 9. The following day members gathered for a golf outing and evening dinner at the Columbus Country Club. Saturday was time for the season football opener with Baylor and that evening the Class of 1932

Excerpts of a note from Professor Robert E. Mathews

President Jennings, Dean Meeks and my one time Colleague, Bob Wills:

"... And very special greetings to the hardy survivors of Fifty Years ago from the Lone Surviving member of the Faculty of those long ago days. As for me, here I am standing alone, with nary a cane, or walker or wheel chair, but with my stance in far off Maine rather than where I'd so love to be—with you in Columbus. But, like all single survivors, it's a lonely position . . .

However, to be a sole survivor, has its advantages even so; advantages that might be said to be strategically and dialectically unique. No contemporary can take exception to my remarks and I'm in the enviable position of being the best, most beloved and greatest scholar of any living faculty member who had an office in old Page Hall during the years of 1929 through 1932. My only concern is that some uncouth and contentious alumnus might interrupt at this point with shouts of "Reciprocal, what about the reciprocal of what you've said?" Pay him no mind, as we say in Maine; I'll have no truck with such a person.

★ ★ ★

"A teacher rarely knows what his students really think of him or his teaching at the time, nor half of what they think that they once thought of him. I've always assumed the opinion that two generations later is more tolerant than it was at the time, perhaps by respect for the sturdiness that has kept the teacher active for so many years. Occasionally, he gets a brief glimpse of both. This came to me, for instance, after what I call my pre-post-mortem obituary that appeared last spring in the *Law Record*.

One thoughtful student informed me that he considered a course I once taught in Civil Procedure to be the dullest course he ever took. When I read this to my wife, her curiosity prompted her to ask what might be the contents of that course. Said I, 'Discussions of such ancient writs as detinue and replevin,' at which point a large black dog asleep under my chair looked up with a troubled expression. As I continued with my usual charm of presentation to discuss trover and general assumpsit, he stood up and quietly left the room. Thus did man's best friend learn in less than a minute what that student suffered for three long months."

★ ★ ★

"Yes, it's rather fun to be a sole survivor. Some day Bob Wills will know this too. It would be much more fun if I were with you tonight and could renew some 40 or 50 acquaintances and convert them all into happy friendships. Fifty years from now will be your hundreth; let's make a pact here and now—that you, and I, and all your professors agree to get together in 2032, all in the same place—and by majority vote, let's make it a good one too."

met in tribute to their 50 years as lawyers and as friends at the home of **Jan and Bob Richards**. Their only regret was that some members were unable to join with them and some were gone.

The reminiscences of these graduates chronicle change and challenge in the legal profession, America, and the world. Their contributions to that change have been many and varied. They have served well, and the College has been one of their beneficiaries. **George H. Chamblin**, **Darold I. Greek**, and **J. Paul McNamara** have served as president of the Law Alumni Association and **J. Paul McNamara** and **J. Ewing Smith** currently serve on the National Council. In recognition of service, **J. Paul McNamara** has been named Distinguished Alumnus of the College of Law by the Law Alumni Association. Many members of the class

have been substantial contributors to the College through gifts, and the College is grateful for their continuing interest and generous support.

To all on the occasion of their 50th year anniversary . . . our congratulations. To all alumni who share this distinction . . . our continuing best wishes.

Class of 1932 continue support through class gift

Members of the Class of 1932 have had a long tradition of support for the College of Law. Over the years members have contributed leadership in many valuable roles and at present 24% of the class are members of the Presidents Club.

In honor of the fifty year anniversary of their graduation, members are

undertaking yet another ambitious challenge to aid the College. Efforts are under way to establish a class gift. Such a gift will not only be beneficial to the College, but this leadership initiative will help establish a tradition for other classes reaching significant anniversaries of their graduation from the College. Such planning is currently under discussion by class groups.

A significant start in the mobilization of the Class of 1932 gift concept and effort was given by the recent gift of \$100,000 to the College from class member **Noel F. George** and his wife.

George Fund established as library endowment

The Mildred S. and Noel F. George Fund was established by the Board of Trustees at the September meeting with a gift of \$100,000 to the College of Law. The gift was made to the Development Fund from the Kaplan-Halpert Foundation of which **Noel George** is a trustee. The income from this fund will be used to provide support for the Law Library at the discretion of the dean.

The gift commemorates the 50th anniversary of Noel George's graduation from the College of Law in 1932. **Mildred George** also is a graduate of Ohio State. She received her B.A. degree in foreign languages and taught for several years in northwestern Ohio.

Noel George is presently of Counsel to the Columbus office of Baker & Hostetler. He joined the firm in 1979. For many years prior to that time he was associated with and a partner in the firm of George, Greek, King, McMahon & McConnaughey. He is a specialist in transportation law. Early in his career he was an examiner with the Public Utilities Commission of Ohio and subsequently served as Superintendent of Motor Transportation for the Commission.

Mildred and Noel George have two sons who graduated from the University's College of Medicine. Two funds in their names have been established at the College of Medicine.

In speaking about the recent gifts to the Development Fund, Noel George said, "I really appreciate all that Ohio State has done for me and my family. It makes me happy to be able to give something back to the university after it has given me so much." The College of Law is grateful for this generous support which will help sustain the excellence of the Law Library.

Friendships united in reunion

With the sounds of "Across the Field" reverberating through the air, the fall season came to the campus on September 11, and with it began the return of alumni/ae for class reunions.

Recent Graduates were on hand for the September 11, 1982, football kickoff with tickets arranged through the College of Law. A tailgate party at the Drake Union shelter house was the scene for pre-game festivity. Approximately 60 people enjoyed libations, chicken dinners, Buckeye speculation and visits with friends and faculty.

The **Class of 1967** also gathered the 11th in Columbus to hold their first class reunion. The party was coordinated by **Dan Slane**, class representative, with the help of **Paul R. Valente**, Springfield, **Alan L. Briggs**, Columbus, **Claire "Buzz" Ball**, Athens, **David C. Cummins**, Columbus and **Fritz Milligan, Jr.**, Columbus.

Twenty-seven classmates and their spouses met in the evening at the Hyatt Regency for cocktails, dinner, and dancing (mostly talking). Classmates that travelled some distance to see old friends were **Ronald Rappoport** with IBM, Bethesda, Maryland, **Ronald J. Clark**, in practice in Chicago, and **Ronald J. Zeller**, president of Norwegian Caribbean Lines, Miami, Florida. Regretfully, pictures taken that evening to share with our readers did not turn out. (Hurry back Class of 1967, and we will try again!)

The **Class of 1942** started their reunion with a Stadium outing on this warm September afternoon. The reunion was organized by **John McMahon** and that evening friends enjoyed the hospitality of **John** and his wife **Pat** as they entertained classmates in their home.

By the time of graduation, the Class of '42 had been reduced in number because of the onset of World War II. All 30 classmates were invited to return for their 40th year anniversary and, of that number, 16 members and their spouses enjoyed the evening reunion. **James D. Kirtley** and his wife **Barbara** returned from Coral Gables, Florida, and **Helen Grundstein Rosen** flew in from Washington, D.C. **Betty O'Neill**, wife of classmate, the late **C. William O'Neill**, also shared the evening with friends.

Class of 1957 organized their 25th year reunion for September 25. The evening party was held at the Holiday Inn on the Lane. Twenty-seven members and their spouses enjoyed catch-up and noted (politely) some changes since their youthful, Page Hall-Law Building days. **Kenneth Barnes** and **Richard Loveland** coordinated the return of classmates for this fun evening. **John A. Hoskins**, with AID in Washington flew in for the weekend. The group was "kept in line" by

two judicial members, **Sara (Sally) Hunter**, Municipal Court, Cleveland Heights, and **John V. Dye**, Probate Court, Eaton, Ohio.

Joe Karam was celebrating his imminent retirement from the practice to pursue investment interests. (For those not doing so well at the tables in Las Vegas, you can always stop by Joe's Wendy's franchise operations. He will tell you "it's safer to gamble on hamburgers.")



Organizer Ken Barnes '57 (right) with classmate.



Classmates Joan Zuber '57 and Joe Karam '57.



Class of '42. (left to right) C. Smart; P. Miller; R. Coplan; E. Green; H. Houston; L. Gray; G. Allen; S. Weed; J. Kirtley; R. Kennedy; B. Burt; H. Rosen; J. Van Keuls; S. Malkoff; J. Romey and J. McMahon.

Class of 1975 invited classmates back to campus for a football Saturday party on October 2. Tickets were available for the **OSU v. Florida State** game and a pre-game brunch was held at the Ohio Union. About 35 classmates and their wives enjoyed this successful gathering organized by **Edward T. (Ted) McClellan**.

The class has held other outings since their student days. At the time of graduation, class members made a commitment to stay in touch and a trust fund was established to assure necessary resources for organizing future returns. These funds are held and ably administered by **Ted McClellan** who serves as class representative.



'75 Classmates enjoyed pre-game brunch.



"Rocky" Saxbe '75 shares activities with Mike Miller '75 and wife.



'75 Organizers Ted McClellan and wife.

"The Seasons Past the Years They Roll; Time and Change will Surely Show How Firm Thy Friendship . . ."

Class of 1970 got its act together for a slightly delayed 10 year reunion. The waiting was worth it as 30 class members and their spouses reunited at the Fawcett Center for an October 2 evening of cocktails, dinner, dancing/talking. The organizing committee responsible for a good evening were **Miles C. Durfey**, **James A. Readey**, and **Charles C. Warner**. Greeting remarks to the class were made by Senator **Michael Schwarzwald**. The classmate travelling the furthest to add some "class" (with his yellow lapel rose and colored cigarettes) was **Gary P. Gormin**, who is practicing in Clearwater, Florida. Two other travellers were **Karen Adkins Holcomb**, Saugatuck, Michigan and **Samuel Coon**, from South Bend, Indiana. A classmate writing from afar



Miles Durfey '70 "the man who never changes."



A '70's trio, John Nemeth, John Palumbo, and Jim Readey

was **Steve Renneckar**, who from his office in Tucson, Arizona wrote to "lament" that in October he would be on a weekend cruise for his Sailing Club regatta. Classmates also were glad to catch-up with the many exploits of **Fred Underhill** (an in-class muse).



Some serious moments at '70 reunion.



Carol Butler '70 and husband Bob absorb some "misty" music.



Classmates (left) Joe Blackmore '62, Pete Gee, and Dick Meredith.

Class of 1962 also reunited on October 2 with a pre-football brunch and evening dinner party at the University Club. The organizers were **Richard Mann** and **Fred Preston**. Twenty-five classmates and their spouses shared an evening of recollections and catch-up. The non-Ohio residents attending were **James B. Atleson**, Professor of Law, State University of New York at Buffalo, **Nicholas J. Dugovich**, Arlington, Virginia, **Edward Schack**, Washington, D.C., and **Joseph R. Valentino**, Succasunna, New Jersey. **Richard Mann** is part resident, non-resident as he spends many days in Burbank, California as president of Venturetainment Corp.



'62 Reunion organizer Dick Mann with Clarence Taylor.



Ed Cass '62 and Jim Booker with wives.

Class of 1972 had the largest reunion gathering for the 1982 season. Over 40 classmates and spouses met after a soggy football game at the Athletic Club. Spirits were anything but dampened. A lovely dinner with piano accompaniment were some of the touches arranged by **Robert V. Secrist**, Cleveland, **Thomas H. Grace**, Columbus, **John M. Zeiger**, Columbus, and **Roger R. Stinehart**, Columbus as the organizing committee. Travel honors went to **David Gradwohl**, who is practicing in Philadelphia, **King K. Culp**, Fort Wayne, Indiana, **Kurt L. Schultz**, Chicago, and **Stephen K. Zimmerman**, Lansing, Michigan. **Jeffrey I. Folkerth** and **Richard C. Pfeiffer** were taking some time off the campaign trail to visit with classmates. A good time was shared by all. **Bob Secrist** officially welcomed classmates and guests on behalf of the organizing committee.



A break in the '72 reunion conversation.



'72 Classmates Bob and Jane Rinfret, Jeff Folkerth, and David Gradwohl.



'52 reunion participants.



'72 organizer Bob Secrist.

The Class of 1952 returned for their reunion October 30 to celebrate the 30th anniversary of their graduation. This was homecoming weekend at the University and class members shared in the campus welcome. **Robert M. Duncan** served as the chairman for reunion planning. Cocktails and dinner at the Fawcett Center followed the football festivities of the day. Some 22 class members and their spouses made up the entertainment of the evening. The persons taking the travel awards of the year were class members **Robert K. Shoecraft**, who returned from his retirement residence in Honolulu, Hawaii, and **George R. Walker** and his wife from Monterey, California. Many of the Class of '52 have supported the College through service and contributions. It was good to welcome them back to campus to talk about days in Page Hall and their professional activities.



John Henderson '52 (left) with Bob Hayes



Organizer Bob Duncan '52 (right) chats with classmates.

Class of 1965 topped off the Alumni Return weekend with a dinner Saturday November 20 at the Da Vinci restaurant. The dinner party was arranged by John T. Casey, who serves as class representative. About 20 class members met to replay the OSU v. Michigan football game and to discuss planning for their 20th reunion and other projects.

Reunions are fun, but always a bit sad because of those missing from the roster. But on the positive side, it is a time to reconfirm friendships and associations with the College. It is a time for faculty to see the ways former students have used their legal education for themselves, families, community, and profession. We thank all who work to make these reunions happen; this includes Pat Howard, Alumni Services, who keeps all the pieces together. We thank all who return to make the reunion a success.

Here's to many more reunion returns.

Curiosity leads to association with unique institute

Robert A. Dierker in his third year of law school was recruited to the Justice Department, Washington D.C. From 1971 to 1974, he was actively engaged in criminal prosecutions. His relocation to the general counsel's staff of the Smithsonian Institute can best said to be a payoff for intellectual curiosity. He relates.

"One day I stumbled across the story in the Washington press about a legal problem involving the Smithsonian Institute. I became intrigued and simply called to ask 'just what does this office do?' The secretary brusquely told me she could not explain that but if I were interested I could apply for a current opening. 'Of course,' she said, 'there are 500 applicants but if you get an interview you can ask your questions.' I guess out of spite for the brush-off of my inquiry, I applied for the job. And here I am."

Bob Dierker speaks with enthusiasm about the opportunities and challenges offered by his work at the Smithsonian. There are 8 lawyers in the office of the General Counsel and "no one ever leaves. The work is too interesting and we are very well treated," he states.

The Smithsonian is an unique entity and Bob Dierker spends alot of his time straightening out "identification problems." The Smithsonian is not a governmental agency as many people associate. It is a trust instrumentality (independent federal establishment) created in 1835 under the will of James Smithson, an Englishman who had never been to the United States nor had any contacts with Americans. So why the bequest? Although still an enigma, it is in part tied to his illegitimacy and his denial to be other than a "gentleman commoner."

Smithson was the illegitimate son of Elizabeth Macie and Hugh Smithson who later became the first Lord and Duke of Northumberland and by act of Parliament took the name of Percy. Their son, James Smithson, was a geologist and his scientific achievements earned him election to the British Royal Society. Most of his life he was referred to as James Macie and, although he inherited wealth from his father, he was denied use of his father's titled names. Later in his life he wrote under the name of James Smithson and vowed that "the Smithson name shall live in the memory of man when the titles of the Northumberlands and Percys are extinct." Because of his wealth and his dedication to "the increase and diffusion of information for humanity" he provided that a fund be "found in Washington, under the name of the Smithsonian Institute" in the event his nephew died without issue.

The trust bequest of 100,000 gold sovereigns (equivalent of \$500,000 and then larger than the holdings of the U.S. Treasury) vested in 1835 and was brought to the United States in 1838. For 8 years there was heated debate over how the funds would be used and who would control the management. Congress resolved the controversy by Congressional act in 1846. A trust instrumentality was established to be governed by a Board of Regents with representatives from the three branches of government and nine citizens. The trust funds are deposited in the U.S. Treasury and income is paid over each year.



The Smithsonian is confused as a governmental agency because of the large appropriations made each year by Congress and the large number of civil service employees. The growth of federal support historically developed from the service requests made of the Smithsonian, i.e., the storage and display of miniature models from the U.S. Patent Office. Over the years these requests expanded until today 2/3 of the budget (\$100,000,000) is funded by Congressional appropriations. The remaining 1/3 comes from the endowed corpus which has grown through bequests and gifts.

The Smithsonian is the world's largest museum complex. It is the parent organization of many of the museums and galleries along the Washington Mall. In addition, it manages the National Zoological Park and various scientific bureaus in other cities and throughout the world. The Tropical Research Institute in Panama is an example of other site locations. The Kennedy Center and the National Portrait Gallery are within the organizational structure but have their own board and legal counsel.

The office of the General Counsel was established in 1964. Dierker states that "the staff becomes involved in a diversity of legal problems as well as day to day operations because the General Counsel serves on the Executive Committee of the Institute." Operation of all of the museums and bureaus opens the whole range of personnel, labor and tax problems. Additionally, the Institute runs its own businesses of shops and the *Smithsonian* magazine which require a business, corporate practice. Estate planning and probate law are also active demands on the lawyers. The institute is the beneficiary of many gifts and therefore is involved in estate administration and sometimes litigation. As a research entity, Dierker says he does legal work related to contract, grants, intellectual property rights, and patent. Additionally, the Institute has vast capital holdings, including airplanes and a fleet of ships. "This can lead you into admiralty problems as well as international law."

As an example of how the job stays interesting with new challenges, Bob Dierker related the following. "I recall, for example, being summoned with an hour's notice in 1977 in order to participate in the last-minute negotiations of a major international agreement (the U.S.-Panama



Robert A. Dierker '71.

Canal Treaty of 1977). That occurred shortly after I returned from a tropical island in the middle of the Atlantic Ocean (Nalunega, one of the San Blas) where I slept in a grass hut while trying to negotiate a contract with a Cuna Indian chief for the use of some tribal facilities by Smithsonian researchers who had just discovered a variety of tropical fish that had the individual capacity to change sex, and be fully reproductive as either sex, depending upon the needs of his/her/its (?) school. That was tough to explain to the chief, particularly in sign language, since he spoke no English, nor I Cunesse."

Because of the Smithsonian's commitment to education and research, Dierker most identifies with counsel for universities, hospitals, and nonprofit foundations. He speaks well of his education at Ohio State and the experience he gained with the Justice Department. "Interestingly, a course I liked but thought of limited practical value was my course in Legal History. Over the past years, that course has come into play often in my work. It just goes to show that as a student you really can't know what will be 'relevant'."

Although there are no other OSU alumni on the counsel staff, Dierker says he had been involved with bringing classmates **David D. Buvinger '71** and **Daniel A. Piloseno '71** to the Justice Department. He reports that "Dave is still with the criminal section of the Department and Dan has moved on to become a tax attorney with Texaco, Inc. in New York City."

It was an interesting phone visit with Bob Dierker in his Washington Office. It is always good to find alumni doing interesting work and enthusiastic about their career as a lawyer.

College sets fund goals

"Participation" is the watchword of the 1982 Annual Advancement Fund campaign. The College hopes this to be at least a 1550 year. A year when 1550 alumni reach out to aid the College through their gifts. A year when these 1550 alumni enable the College to reach **30% participation** from its alumni contributors.

Is this goal too ambitious? No is the response of the many helping to make this a breakthrough year for the College Advancement Fund. No is the response of the 400 new alumni contributors already joining in this year's campaign. No is the response of those who recall that 1970 was a year of 30% participation: We can do it again!

Last year, alumni participation rose 72% from 600 contributors to 1036. This year's goal achievement will depend upon a 50% increase over 1981. Yes, ambitious, but doable.

The 30% participation goal will also put the College on track to its other immediate goal of a **\$500,000 campaign** year. Alumni and friends raised over \$410,000 in 1981. Increased participation will move the College closer to its half million dollar year.

The major gift committee, the Law College Partners, area campaign coordinators, phonathon participants and individual contributors are all working to assure that the Advancement Fund will meet the challenges of the '80's and years to come.

Budget allocations fall short of the needs for library, faculty support, student scholarships, program development and special events. Contributed funds, more than ever, make a critical difference. The College is grateful for the interest and support of the many who help to assure its mission goal—quality legal education.

College sponsors seminar

The College of Law in cooperation with the Office of Continuing Education, The Ohio State University will offer a seminar on **Creative Pension Strategies '83**, February 15, 1983 at The Fawcett Center for Tomorrow. The program is organized to update attorneys, accountants, CLU's, financial planners, tax officers, and any other professionals on trends in qualified plan design as effected by The Tax Equity and Fiscal Responsibility Act of 1982. The seminar will develop tax and estate planning knowledge to help participants master the techniques necessary to be on the cutting edge in the battle against qualified plan limitations.

The tuition for those registering before January 21, 1983 is \$110; after that date it is \$125. Tuition includes lunch but not lodgings. Rooms are being held at The Fawcett Center at \$25 (single) and \$39 (double). Information can be obtained from Dr. Jeffrey R. Herold, Office of Continuing Education, 2400 Olentangy Road, Columbus 43210 (422-8571).

Seminar Program, February 15, 1983

8:00 - 8:55	Registration
8:55 - 9:00	Welcome James E. Meeks, Dean
9:00 - 9:45	Pension Benefits Cut: Congress Wields The Knife Frederick E. Dauterman, Jr., C.P.A. Deloitte, Haskins & Sells, Columbus, Ohio How the 1982 Tax Act changes impact on qualified plans and the requirements for maintaining plan compliance.
9:50 - 10:35	Is The Sizzle Gone? Preserving Plans Geared For The Owner/Professional Gerald Goldstein, E.A. Advance Retirement Systems Corporation Van Nuys, California Techniques for designing and amending plans to preserve owner benefits and control the cost of covering non-owner employees.
10:35 - 10:50	Break
10:50 - 11:35	The Bottom Line: The Practical Impact Of The 1982 Tax Act On Qualified Plans Bruce Temkin, E.A. The impact of the new law in typical planning situations and the methods for dealing with common planning problems.
11:35 - 12:20	Strong Medicine: Anti-Keller Provisions Elbert R. Nester, Esq. Isaac, Graham & Nester, Columbus, Ohio An analysis of the new law designed to abolish partnerships of professional corporations and other personal service corporations, and the available planning techniques.
12:20 - 1:45	Lunch
1:45 - 2:30	Feeling The Pinch: Managing A Qualified Plan When Short of Cash John Appel, Esq. Frost & Jacobs, Cincinnati, Ohio The techniques for reducing the costs of continuing qualified plans during periods of cash shortages.
2:30 - 3:15	Think And Grow Rich: Imaginative Uses Of Qualified And Other Plans Robert W. Buechner, Esq. Buechner, Haffer & O'Connell Co., L.P.A., Cincinnati, Ohio Strategies for the use of qualified and non-qualified plans to solve various business problems and to fill the gap created by the cut back of qualified plans.
3:15 - 3:30	Break
3:30 - 4:15	Through The Maze: Planning For The Payout Of Qualified Plan Benefits Ronald J. Waldheger, Esq. McDonald, Hopkins & Hardy Co., L.P.A., Cleveland, Ohio How the Tax Act changes affect the income and estate tax implications of qualified plan distributions.
4:15 - 5:00	Choosing The Right Path: To Incorporate Or Not To Incorporate? Michael J. Ford, Jr., C.L.U. Lincoln National Life Insurance Company, Worthington, Ohio The pros and cons of incorporation with a focus on tax considerations, and how the new law changes old rules of thumb on when to incorporate.



Profile of a Law Professor



Albert L. Clovis came to Ohio State in 1965 to begin a career of law teaching. Eighteen years later he is one of the senior members of the faculty and respected by colleagues and students as an excellent teacher. Despite his popularity as a teacher and his professional achievements, Al Clovis prefers a low profile. Only persistent pursuit got this rather brief interview for our Profile feature.

Although a native Ohioan, Professor Clovis received his post high school education out of Ohio at Yale, Michigan and Harvard. Upon completing undergraduate work in History at Yale in 1957, he lost the next academic year due to short term military service. His principal recollection of this experience is "learning to climb telephone poles . . . better yet, teaching other people to climb telephone poles."

In the fall of 1958, he continued his interest in history by entering upon a Ph.D. graduate program at Michigan. He planned to teach History at the college level. "But I found I wasn't experiencing sufficient growth in my graduate work." He shortened his program, completed an M.A. in history and enrolled the next year at Harvard Law School. He graduated in 1962 *cum laude* as a member of the *Harvard Law Review*.

Al Clovis returned to his native Canton and joined the firm of Day, Ketterer, Raley, Wright & Rybolt where he practiced for three years. He engaged in a general business practice with some emphasis in labor and antitrust. In 1964, he was "thumbing through" an issue of the *Harvard Law Record* and noted an article on law teaching. "I was surprised to read that beginning law teachers were receiving

salaries comparable to what I was earning as an associate. My old interest in teaching was revived." A call to Professor Robert Keeton at Harvard lead him to the winter AALS meeting to interview with various law schools. "I talked to about 20 law schools, but not to Ohio State." Back in Canton, Al Clovis was considering several offers when Leo Raskind at Ohio State called. He was invited to Columbus for an interview with the faculty and Dean Strong who was preparing to leave the dean's office at the end of the spring. "Interestingly, at the time, I was considering an offer from North Carolina where Dean Strong was going. I don't remember what the dean and I discussed, but my final decision was Ohio State." There were seven new faculty recruited to Ohio State for that fall. "Howard Fink and I are the only ones still on the faculty."

Did you start teaching in your area of interest?

"In those days law schools were less interested in beginners teaching preferences than they are today. My interest was to teach labor or antitrust—two courses I have never taught." Al Clovis was initiated into teaching with the assignment of five courses "most of which had large enrollments." It was some years before Professor Clovis developed his own package of courses, which today are primarily UCC related.

For a number of years you have been teaching Contracts and upper class courses. Does your teaching style differ for first-year students?

"First year students are the most fun, and the most demanding to teach. They begin with a great deal of eagerness and very little information about, or understanding of, the law and lawyering. During the course of the year they become lawyers, unfinished lawyers to be sure, but lawyers nonetheless. I try to help in this process—to help students to think like lawyers and to assimilate some of our basic Anglo-American legal culture. Upper class students come to class with a lawyer's orientation. I try to take it from there—to help them learn and expand their skills and to learn more about particular areas of our law."

Did any one person influence your teaching methods?

"I would say Bob Nordstrom—with whom I shared the teaching of Contracts and some of the UCC courses when he was on the faculty. In the late 60's Bob began to develop problem-centered teaching materials. Such materials are now the main component of my teaching of second and third year students."

Professor Clovis and Professor Emeritus Nordstrom have two casebooks. The most recent is *Sales, Problems and Materials*, West Publishing Co., 1982 co-authored with John Murray, Dean of the University of Pittsburgh, School of Law. The 1972 text *Problems & Materials on Commercial Paper* was widely adopted. They are currently working on a third casebook on Secured Transactions.

What do you see as the value of the problem approach?

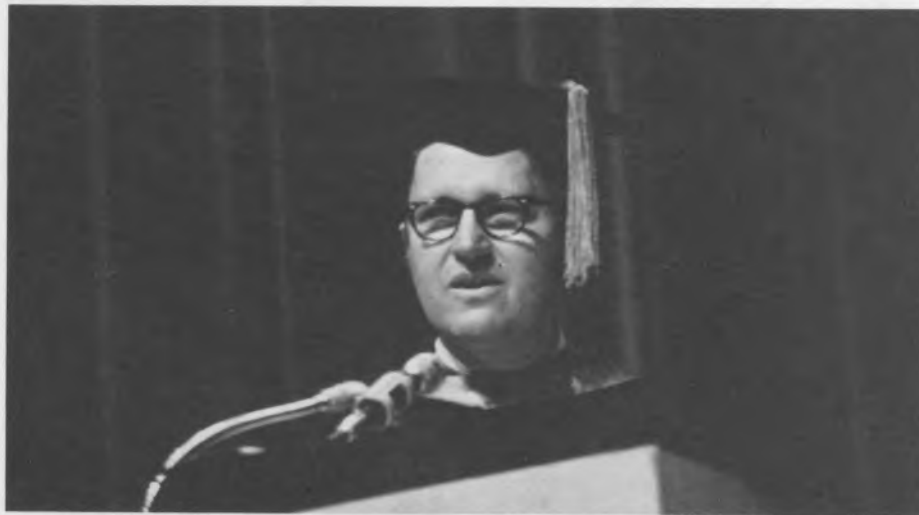
"Problems focus student attention; they require students to read statutes and cases carefully and purposefully—with a view to putting those materials to work for the benefit of a client, albeit a hypothetical one. And the facts of problems, unlike the facts of actual cases, can be selected for the purpose of facilitating analysis and learning."

How do you develop problems?

"We work from decided cases, student questions and suggestions, our experience in the classroom, and our imaginations. The goals are to raise the questions that students need to consider and do so in an order and manner that will help students learn."

You are a successful classroom teacher as evidenced by receipt of the University Distinguished Teaching Award in 1968 and the graduating class Outstanding Teacher Award in 1974 and 1982. What do you see as your teaching objectives?

"I try to develop students abilities to observe social and commercial problems realistically and perceptively—to see the possibilities and difficulties inherent in situations. I want to get students in the habit of asking the pertinent questions, and having asked them, dealing with them thoughtfully and wisely. And I try to acquaint students with some of our law—



Professor Clovis receives Outstanding Teacher of the Year Award from Class of 1982 at June commencement.

particularly with some of its central ideas and methods."

What do you see as the major change in legal education?

"The changes I have seen have been gradual—evolutionary—and I think that's good. Among the major changes are a much more competitive admissions situation, greatly increased numbers of women and minority students, and a richer and more sophisticated curriculum—reflecting the growing complexity of the law."

What do you think are the major challenges ahead for the college?

"Our perennial challenge is to provide good legal education to our students. In the immediate future we shall have to accomplish this within the constraints imposed by tight budgets."

For a number of years you have been of counsel to a major Columbus firm. How do you merge your teaching and practice?

"A good part of law teaching is preparing students for a trade. I feel that continuing contacts with the practice and what is happening there helps me in this effort. Furthermore, I enjoy law practice."

Professor Clovis' office suggests other personal interests. Several interesting clocks and pieces of antique furniture add interesting touches. Al Clovis quickly asserts that his father was the clock collector, but he himself is quite knowledgeable about antiques. Many pieces are in the home of Judy and Al Clovis, and fit well into the country setting of their Pataskala residence. They are both busy raising two children, a son 15 and a daughter 11.

Occasionally Professor Clovis becomes involved in politics, like this fall's Issue 3 campaign in which he was active in the successful efforts to defeat the referendum for the direct election of PUCO Commissioners. Professor Clovis with his varied professional activities fits comfortably into the midwestern environment of Ohio State. He states it simply, "I like Ohio State and my colleagues."

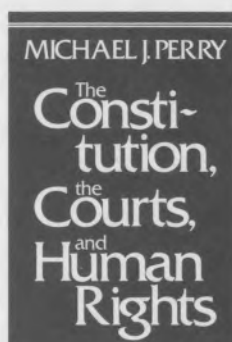
In recognition of his contributions to legal education at Ohio State, Al Clovis this fall was nominated by Dean Meeks and appointed by the Board of Trustees to the sixth created endowed professorship at the College. We wish many more years of success for **Albert L. Clovis, Newton D. Baker Professor of Law.**

Faculty News

Professor Perry advances contemporary constitutional theory

Professor Michael Perry's book *The Constitution, the Courts, and Human Rights*, was published this fall by the Yale University Press. The 241 page book may be best described by an excerpt of quotes included on the dust cover:

In the last quarter of a century, the United States Supreme Court has played an unprecedented role in the formulation of human rights, particularly in cases where the Constitution is silent, such as abortion, school busing, and sexual behavior. The Court's constitutional policymaking has touched off a major national debate: should the Court be confined to strict interpretation of the Constitution or should it make value judgments and policy choices? Michael Perry enters the lists persuasively in favor of an activist court on the ground that it serves an indispensable function in our democracy.



Professor Perry has devoted his legal scholarship over the past 10 years to constitutional law and in particular he has considered the legitimacy of the role of the Supreme Court in our government. Shirley Hufstедler, for whom Professor Perry clerked while she served on the Ninth Circuit, made this statement of the work, "He compels us to understand why judicial intervention in human rights cases is necessary to help us as a people in resolving our basic political-moral dilemmas and thus to move us toward the moral growth for which we yearn."

Professor Perry's new book will be the subject of a major symposium to be published by the *University of Dayton Law Review*. Thirteen acknowledged scholars of constitutional law are contributing to the issue.

Professor Perry quickly adds that the book "is merely the beginning." He plans to start on another manuscript next summer to compliment this work on constitutional theory. It is his ambition that his next book will be published in 1988 in time for the Bicentennial of the American Constitution.

Professor Perry has published many major articles in his area of scholarship. He received his law degree in 1973 from Columbia, and joined the faculty in 1975. In 1979, he was the recipient of the University's Distinguished Research Award. Professor Perry is spending the current academic year at Northwestern School of Law as a Visiting Professor. He is enjoying this new teaching experience and the opportunities accorded by metropolitan Chicago life.

Two new Professorships of Law established

Generosity of alumni and friends has benefited the College by the creation of two designated professorships. Income from these funds is designated to be used for the recognition of distinguished teaching and scholarship and other purposes as set out by the terms of the endowment.

Joseph S. Platt-Porter, Wright, Morris & Arthur Professorship of Law

In 1980 with an initial investment of gifts from firm members, the Porter, Wright, Morris & Arthur Professorship of Law Fund was established at The Ohio State University for the benefit of the College of Law. Thomas E. Cavendish '53 served as the coordinator of the fund gifts among firm members.

Upon the death of Joseph S. Platt, a firm partner of long association and a distinguished tax lawyer and teacher, firm members, friends and family made additional contributions to the Professorship Fund in his name. On October 2, 1981, the name of the fund was changed by resolution of the Board of Trustees to the Joseph S. Platt-Porter Wright Morris & Arthur Professorship of Law Fund. Current cash gifts and deferred giving are designed to fully fund an endowed professorship well above the \$250,000 level.



Professor Howard Fink named

Upon the recommendation of Dean Meeks and action of the Board of Trustees in September, Howard Fink was designated as the Joseph S. Platt-Porter, Wright, Morris & Arthur Professor. Professor Fink joined the faculty in 1965 as an associate professor and was promoted to full professor in 1967. He teaches Civil Procedure, Federal Courts and seminars such as Law and the Political Process, and Social Environmental Litigation. Professor Fink for a number of years made major contributions to Moore's *Federal Practice* treatise. He is currently co-authoring a casebook on Federal Courts with Professor Marc Tushnet, Georgetown University. The book is scheduled for publication in 1984. He was interviewed for the Profile feature of the *Law Record*, Summer 1981.

The Newton D. Baker Professorship-of-Law

In 1974 the Newton D. Baker Fund was established at the College of Law. Until this year, income from this fund was directed to scholarship awards. In 1982, the fund was substantially increased and on June 10, the Board of Trustees established the Newton D. Baker Professorship-of-Law.

This fund was established by firm members as a memorial to Newton D. Baker who was the founder of the firm Baker & Hostetler of Cleveland. Baker had a distinguished career in law and public service until his death in 1937. Over his career he served as mayor of Cleveland, secretary of war under President Woodrow Wilson, and chairman of the Board of Trustees of this University.

The creation and funding of the professorship were made possible in large measure by **John D. Drinko**, a 1944 graduate of the College and partner in the firm of Baker & Hostetler. **John Drinko** is a member emeritus of the National Council of the College. In 1981, he was named Distinguished Alumnus of the University by the Board of Trustees.

The ultimate funding goal is \$250,000. The income from the endowment is designated primarily for the support of a distinguished teacher and scholar on the faculty of the college.



John D. Drinko organizes professorship fund.

Professor Albert L. Clovis Named

Upon the recommendation of Dean Meeks and action of the Board of Trustees at its November meeting, Albert L. Clovis was designated as the Newton D. Baker Professor. Professor Clovis joined the faculty as an assistant professor in 1965, the same year as Professor Fink. He was promoted to full professor in 1970. He teaches Contracts, Commercial Paper, Sales, and Secured Transactions. In 1968, he was named for the University's Distinguished Teaching Award and two graduating classes from the College have voted him as the Outstanding Teacher. He has co-authored two casebooks in commercial law, *Problems & Materials on Commercial Paper* (West, 1972) and *Problems & Materials on Commercial Law* (West, 1982). He is currently at work on a third casebook to be co-authored on Secured Transactions. He is interviewed in the Profile feature of this issue of the *Law Record*.

New faculty are welcomed

Law faculties like any other professional groups experience attrition and additions with some regularity. This is no exception at the College of Law. At the end of the 1981-82 academic year, Claude and Kathryn Sowle moved to the University of Miami. The ongoing recruitment process brought two young professors to the College to begin their teaching careers. The *Law Record* is pleased to introduce them to its readership.

Nancy K. Rhoden

Upon meeting Professor Rhoden there is a slight hint of her southern background. Although born in Pennsylvania, she moved in her early years to Huntsville, Alabama where her family remains. Her first sojourn to Ohio was to enroll as a student at Oberlin College. She explained this choice by recounting that "when I was eleven, I read in my history book that Oberlin was the first college to admit women and blacks. I decided then that if I went to college, I would like to study at Oberlin." This

aspiration became a reality and she says "it was a wonderful experience." She graduated from Oberlin Phi Beta Kappa in 1974. She was in the Philosophy Honors program and was on the staff and ultimately editor of the undergraduate *Journal of Philosophy*.

Upon leaving Oberlin, Professor Rhoden enrolled as a Root Tilden Scholar at New York University School of Law. She completed her degree in June of 1977 and was elected to the Order of the Coif.

Her first professional position was with the United States Department of Justice, Civil Rights Division, General Litigation Section. Although assigned to Washington D.C., she travelled throughout the country to represent individuals alleging civil rights violations.

In the fall of 1979, Professor Rhoden was admitted as a post-doctoral fellow at the Hastings Center in New York. She spent a year at the Institute of Society, Ethics and the Life Sciences working as the only lawyer on interdisciplinary research in the field of biomedical ethics. The "think tank" environment raised many interesting issues involving euthanasia, treatment of the terminally ill, forcible treatment of the mentally ill, and other problems which are the substance of many legal controversies and case litigations.



The following fall, Professor Rhoden joined the Atlanta law firm of Sutherland, Asbill & Brennan in their litigation department. Since she had spent her summers during law school with the Atlanta Legal Services, she was pleased to return to this "interesting city." She continued her involvement in mental health law and during this time became a consultant to the Coalition of the Homeless in New York City. At this point, her career presented a choice . . . practice or law teaching. The College is pleased about her decision.

Professor Rhoden is teaching first-year torts and will develop her own course in medical ethics for spring quarter. During the winter term, she will team teach an interdisciplinary course dealing with professional care of client/patients. She looks forward to expanding her work in personal rights and social responsibility with regard to physical and medical health and ethics.

James C. Smith

Professor Smith also travels north to Ohio State. His roots have been in Texas soil since 1974. The months ahead will help him recall the brisk winters in Waukesha, Wisconsin where he spent the years through high school and his undergraduate days at Saint Olaf College, Minnesota. Maybe he will be so busy teaching first-year property that he will not miss Texas winters.

Jim Smith enrolled at Saint Olaf because of his interest to attend a small, liberal arts college with a strong math and science curriculum. He majored in math and history and graduated in 1974 *magna cum laude* and Phi Beta Kappa. Not only did he receive a good education at Saint Olaf, but he met a young woman whom he married the summer of his graduation. His wife, Donna, is from Texas and this influenced his decision to accept appointment the following fall to the University of Texas School of Law. He completed his degree with high honors and was elected to the Order of the Coif. At Texas, he served on the *Texas Law Review*. As Articles Editor 1976-77, he received the Outstanding Editor of the Year Award. His academic work was recognized by various honors.



Upon graduation, he was appointed to a one year clerkship with Judge Walter Ely on the Ninth Circuit Court of Appeals, Los Angeles. Following his clerkship, he was recruited as an associate to the Houston law firm of Baker & Botts. During the last 2½ years of his practice, he worked in the department of oil, gas and real estate. His primary emphasis was in commercial real estate and oil and gas financing and title work. Professor Smith has had considerable experience in all aspects of commercial real estate practice which will serve as the basis of his teaching interests. He has represented both lenders and borrowers in real estate financing and has worked on behalf of large developers in such matters as acquisitions, title, leasing, and protective covenants.

Professor Smith had no dissatisfaction with the practice. "I enjoyed the challenge" he says, "and was doing well. To leave the practice was a hard decision." The attraction was the opportunity to deal with ideas and to have the time to organize, synthesize, and present materials to meet the problems of the practitioner. "I am interested in research and writing and this requires the time that most practicing lawyers do not have."

Professor Smith is teaching Real Estate Transactions in Autumn Quarter and will teach first-year Property commencing Winter Quarter.

Educating lawyers in China

This was the topic of Dean Han Depei of the Faculty of Law, Wuhan University, People's Republic of China as he spoke at the College of Law May 12 at the invitation of the International Law Society. Dean Depei was uniquely qualified to discuss this subject.

Dean Depei received his legal education in China, Canada, and the Harvard Law School. He began law teaching in China in 1946, just a few years before the revolution. He continued his teaching under the Mao regime until 1958. At that time, the government determined to reduce the number of students of the law and ultimately the number of law schools, including the Wuhan Law School. For the next twenty years, Dean Depei was unable to employ his skills as a law teacher or lawyer.

In 1979 the Faculty of Law was reestablished at Wuhan University. Because of his prior experience, Dean Depei has been most valuable in the rebuilding of the law faculty and the development of a legal curriculum. Legal education in China and its political dimensions are topics of current intellectual concern. His remarks were of considerable interest to students and faculty attending and his personal experiences as a lawyer over the past thirty some years provided an opportunity for pause and reflection.

In addition to serving as Dean of the Faculty of Law, Han Depei is Director of the Research Institute of International Law and the Research Institute of Environmental Law, China Academy of Environmental Science and Wuhan University. Dean Depei was in the United States at the University of Missouri-Kansas City School of Law as Edgar Snow Visiting Professor and Fulbright Asian Scholar-in-Residence.

Individual news items

Nancy S. Erickson, on June 8, 1982, testified before the Illinois State Legislature in favor of the proposed Equal Rights Amendment to the United States Constitution. On July 17, she was on a panel entitled "Progress and the Law" at the Second Seneca Falls Womens History Conference in Seneca Falls, New York. She participated at the American Society for Legal History Twelfth Annual Meeting October 22, 23 at the Marriott Hotel, St. Louis, Missouri as chair on a panel: "The Married Women's Property Acts—A Comparative View." The panelists discussed the Mississippi, New York, and Ohio married women's property acts. (The scholar discussing the Ohio married women's property acts was Dr. Michele Hilden Willard, who is now a student at the Ohio State University College of Law.)

Howard Fink addressed the Adult Education program of Temple Israel, in Columbus, on the subject: Recent Attempts to Curtail Federal Court Protection of Individual Rights. He is continuing his work on the publication of a casebook on Federal Courts which he is co-authoring.

Peter M. Gerhart's article entitled "The Supreme Court and Antitrust Analysis: The Near Triumph of the Chicago School" will be published later this year in the *Supreme Court Review*. The article analyzes recent Supreme Court decisions, and shows how they can be interpreted to yield a synthesized, coherent view of antitrust analysis.



Jack Henderson represented the College at the Law School Admission Council's annual spring Education

Conference meeting at Delavan, Wisconsin in May. For the past four years he has served on the Pre-Law, Education, and Program Committee; and he was a major contributor to the development of a program at the spring meeting on application review to test the effect of the new score scale adopted for the Law School Admission Test. On October 7 and 8 he was a panel member for this committee at the Southwestern Association of Prelaw Advisors Workshop in Houston, Texas.

Lawrence Herman was re-elected for a three-year term to the Board of Directors of the American Civil Liberties Union and was re-elected to a one-year term as General Counsel of the American Civil Liberties Union. He attended General Counsel, Board of Directors, and American Civil Liberties Union Meetings. July 27 he was a panelist on the WOSU Access Program, subject: the insanity defense, and September 7 he conducted a program on Radio for the Blind on various subjects of criminal law and criminal procedure. He is currently preparing course materials on interrogation, search and seizure, and other evidence-gathering techniques which he plans ultimately for a casebook publication.

Louis A. Jacobs prepared a survey of prisoners' rights law and delivered a lecture on that subject to a seminar for appointed counsel sponsored by the Columbus Bar Association Federal Court Committee on October 16, 1982. On October 22 and 23, he presented the lawyer's viewpoint in a program sponsored by the Ohio Education Association and prepared by the Commission on Interprofessional Education and Practice, which dealt with alcohol and drug abuse in public schools. He has also agreed to participate in a Civil Rights Seminar sponsored by the Dayton Bar Association for federal court practitioners. Professor Jacobs also coauthored the Fall, 1982 supplement to *Equal Employment Compliance Manual*, published by Callaghan & Company, and revised several sections of the manual itself.



Timothy Jost participated on the drafting committee of an ad hoc group of academic, consumer, and industry representatives convened by the American Health Law Association to study the problem of consent for care and treatment for questionably competent long term care residents. This group published a report: "Questionably Competent Long Term Care Residents, Problems and Possible Solutions" in June.

John P. Kozyris is a Visiting Professor at the University of Hawaii School of Law, Honolulu for the fall semester.

Stanley K. Laughlin spent six weeks in Samoa and Hawaii this past summer doing research on his proposed Handbook of Territorial Law Practice. The Acting Chief Justice of the High Court of American Samoa, Justice Thomas Murphy, is his co-author on this publication. His article "The Application of the Constitution in United States Territories" was reprinted as the lead article in the annual *Samoa Pacific Law Journal*.



Robert J. Lynn has had his book *The Pension Crisis: Your Pension Today and Tomorrow* accepted for publication by Lexington Books. He is currently working on the third edition of his estate planning textbook, *Introduction to Estate Planning* which is scheduled for publication in June of 1983.

James E. Meeks was appointed by President Edward H. Jennings to the Search Committee for the Vice President for Academic Affairs and Provost. The twelve-member committee is chaired by Dr. Larry C. Carey, Chairman of the Department of Surgery. The position was vacated by the resignation of W. Ann Reynolds. He is also serving on the Steering Committee of the Faculty Senate and as vice chair of the Board of Trustees of the Ohio Legal Center Institute. During Winter and Spring Quarters he will teach Antitrust Law.

Lee Modjeska has completed and sent to the publisher the manuscript for his latest book, *NLRB Practice*, an extensive, substantive, labor law treatise. Publication by Lawyers Co-operative Publishing Co. and Bancroft-Whitney Co. is planned for Summer 1983. Professor Modjeska has also completed and sent to the publisher manuscripts for the 1983 supplements to his earlier books, *Handling Employment Discrimination Cases*, and *Administrative Law - Practice and Procedure*. Publication, also by Lawyers Co-operative

and Bancroft-Whitney, is planned for Summer 1983. Professor Modjeska has now begun writing a general, reflective book on labor law and labor relations, which will include observations and experiences from his over twenty-five years of private and governmental practice in that field. He is also writing several law review articles. In August 1982, he presented an address on "Employment Discrimination Law" at a conference sponsored by the Labor Law Section of the Kentucky Bar Association. In October, he presented an address on "The Supreme Court, October Term, 1981 - Labor and Employment Law Decisions," at the annual Midwest Labor Law Conference.

Earl Finbar Murphy delivered the commencement address at the College of Law, University of Arizona, Tucson, Arizona, May 15, 1982. He attended the 60th Conference of the International Law Association in Montreal, Canada, August 29 through September 4. He spoke on "World Shelter Needs" as part of a multi-member panel on the subject of a "World Economic Forecast" at the 4th Annual International Real Estate Marketplace, September 22, in New York City, sponsored by the National Association of Corporate Real Estate Executives. He spoke October 13 on "Legal Problems of Great Lakes' Transbasin Water Shipments" to Limno Lunch, a group sponsored by CLEAR (Center for Lake Erie Area Research) and the Fish Cooperative Unit, Department of Zoology, at The Ohio State University.

John Quigley is a Visiting Professor on the Faculty of Law at the University at Dar es Salaam, Tanzania for the 1982-83 academic year.

Rhonda R. Rivera attended the meeting of the Board of Governors of Society of American Law Teachers on September 11. She also participated in the AACS Teaching Conference on Debtor-Creditor Law September 24-26. On October 24, she was the panel moderator on Religious Law on the topic of "Jerusalem: City of Three Faiths," sponsored by Center For Peace and Ohio Humanities Council. Professor Rivera was a workshop presenter on November 12 and 13 for the Program of the Commission on Interprofessional Education and Practice: "Interprofessional Approaches to Human Sexual Problems"; at that same program she responded to the keynote address given by Mary

Calderone. She also was a panelist in Washington, D.C., on November 18, speaking on clinical education in a professional school setting for "Experimental Education in the Institutions of the '80's," sponsored by the Consortium for the Advancement of Experimental Learning. Professor Rivera concluded activities in 1982 by being a workshop teacher at a conference on "Law School Teaching," sponsored by NYU Law School and Society of American Law Teachers, December 17-19.

She supervised the writing of an article in the *Saint Louis University Law Journal*, "Othen v. Ann Arbor School Board: A Weakening of Title IX Protection Against Sex Discrimination," authored by Janice R. Frank, a third-year OSU law student, and contributed "Homosexuals and the Law" within *Homosexuality: Social, Psychological, and Biological Issues*, ed. by W. Paul, J.D. Weinrick, J.C. Gonsiorek & M.E. Hotvedt, Sage Publications, Inc. (1982). Professor Rivera completed this summer, in conjunction with Professor Douglas Whaley, a casebook on *Sales*, which will be published by Little, Brown & Co. in January 1983.

Allan J. Samansky conducted a seminar on "Examining the Decision to Incorporate." The seminar, which was given on April 28, 1982, was sponsored by The Ohio State University Office of Continuing Education as part of a series on "Law for Non-Lawyers."

Morgan Shipman is a Visiting Professor for the fall semester at the University of California School of Law at Berkeley.

Frank K. Upham is on his second year of leave of absence as a Visiting Professor at Boston College Law School for the 1982-83 academic year. During 1981-82 he was at Harvard Law School as the Mitsubishi Scholar in residence.

Douglas Whaley is a Visiting Professor at the University of California, Hastings College of Law, San Francisco for the 1982-83 academic year. His text on *Sales* which he co-authored with Professor Rhonda R. Rivera will be published by Little, Brown & Co. in January 1983.

Student News



Class of 1982 commence

With the familiar strains of "Pomp and Circumstance," members of the Class of 1982 proceeded down the aisle of Mershon Auditorium, June 4, for the College's hooding exercises. Cameras flashed, graduates and families casted hurried glances to find one another, and the College's first evening ceremony began.

It was another first for the Class of 1982. The guest speaker was a woman, a distinguished jurist, scholar and teacher, the Honorable Ruth Bader Ginsburg. Lawrence Herman, President Club Professor, presented the following introduction.

"Many of us who are court watchers regard the United States Court of Appeals for the District of Columbia as one of the nation's most important courts. And even beginning law students soon learn the names of some of the judges who served the court with distinction. For example, David Bazelon, J. Skelly Wright, Spottswood W. Robinson, Carl McGowan, and the late Harold Levanthal.

Two years ago, our speaker, The Honorable Ruth Bader Ginsburg, was appointed to that Court. Her credentials were awesome. She attended Harvard Law School for two years and graduated from Columbia Law School, earning membership on the law review at both schools. After graduation, she joined, and eventually became associate director of Columbia Law School's Project on International Procedure, where she established a reputation as a Comparative Law Scholar, specializing in the law of Sweden, particularly Civil Procedure. The cap that she wears is symbolic of the University of Lund, Sweden.

In 1963, she joined the faculty of Rutgers Law School, and nine years later moved across the Hudson to Morningside Heights and Columbia Law School, where until her judicial appointment, she taught Civil Procedure, Constitutional Law, and Conflict of Laws.

At Columbia, she became an outstanding scholar in the subject of sex discrimination, developing a course and writing a casebook and no fewer than 20 articles. She also became this country's foremost appellate advocate in sex discrimination cases. She was the principle author of the brief in *Reed v. Reed*, and she wrote the Amicus brief in *Craig v. Boren*, both Supreme Court cases. In the same court, she argued *Frontiere v. Richardson*, *Kahn v. Shevin*, *Weinberger v. Weissenfeld*, *Califano v. Goldfarb*, and *Duren v. Missouri*.

The painstaking care, thoughtfulness and balance that made her a successful scholar, teacher, and advocate, now brightly illuminate her work as a judge. I am delighted to present to you **The Honorable Ruth Bader Ginsburg.**"



The commencement address (abridged)

I would like to share with you on this great occasion some thoughts on two aspects of your professional standing: first, the preparation you have received for a career in the law; and second, the responsibility you bear, because your special training equips you, not simply to earn a living, but to contribute importantly to the public good.

Turning to the learning adventure you have just completed, it is a solid beginning, but certainly not the end or perhaps even the near-middle of your legal education. Our current Solicitor General, Rex E. Lee, in a recent interview, was asked whether he believed law schools adequately prepare students for the legal profession. (Some prominent members of the bench and bar have complained that university law schools, in particular, have neglected practical instruction in favor of inquiries of a theoretical nature.) The Solicitor General, once a law professor and law school dean, suggested to the interviewer something along these lines:

Go up and sit in the courtroom where I now make a living (the United States Supreme Court). You will hear good oral advocacy and bad advocacy. Read the briefs. You will see some good ones and some bad ones. The good performances do not inevitably come from the experienced lawyers. Nor do they necessarily come from lawyers who have attended law schools that emphasize the practical more than the theoretical.

My impressions over the past two years accord with the Solicitor General's. I have witnessed some spectacular arguments from very new lawyers, and some abysmal performances from oldtimers.

The Solicitor General completed his response by pointing out that, for the good lawyer, legal education lasts as long as he or she practices. The training and teaching does not stop at three years, it continues for a half century.

Modern law schools do pay increased attention to skills in application, including interviewing, counseling, negotiating, drafting, and persuading. Clinical or advocacy programs may enlist the services of lawyers, even judges, alongside professors. Your law school was among the pioneers in offering clinical programs and I know the value of such endeavors. But I believe you will come to prize, if you do not even now, the enduring quality of traditional law school instruction, teaching and reading that emphasize the historical and theoretical foundations of law.

A thought Sir Walter Scott expressed in 1815 rings true today: A lawyer without knowledge of history or literature is equipped for service as "a mechanic, a mere working mason." Such a person will not qualify as an architect, a planner and builder in law. My sage colleague, District of Columbia Senior Circuit Judge Carl McGowan said on this subject: Of two

lawyers of equally high technical competence, one may have that extra dimension of understanding of the purposes of law which makes him or her a wise and reliable counselor, a broad-gauged lawyer sensitive to the requirements of a just and orderly society and to currents of change, and therefore better equipped to serve both client and community.

You have had the benefit of a university law school education, under the tutelage of a faculty that sought to develop your theoretical understanding and critical judgment, and the discipline to apply those qualities rigorously to a variety of situations. As two law teachers wrote in a comment on the importance of the educational experience you have had: in our rapidly changing legal environment, with so many of today's rules obsolete tomorrow, theoretical education becomes remarkably practical.

Your law school education and training have been enriched not only by a solid curriculum and an excellent faculty, but by the presence among you of individuals who are members of racial and ethnic groups once rarely seen on university campuses, and of women, not as a few at a time curiosities, but in numbers. My law school entering class, a generation ago, numbered well over 500; the class included one black student, and less than 10 women. It was thought that the few women who braved law school in the 50's and 60's presented no real challenge to (or competition for) the men. For they would be the social workers, the ones who devoted themselves to the poor and the oppressed, the truly needy. As I see it, the social worker stereotype holds up to this extent: many women law students, in the 50's and 60's, even in the 80's when they are no longer curiosities, are sympathetic to, and active in, humanitarian causes. But so are many men who have experienced discrimination, or sensed the injustice of subordinate status, assigned without regard to one's ability or individual potential to achieve.

In a world experiencing tremendous scientific advances, and frightening destructive potential, concern for the humankind should be the work of all.

Sociologist Cynthia Epstein, in a book published last fall, titled *Women in Law*, documents how women, like members of certain minority groups, have succeeded in making their way into law schools and the legal profession, despite the fact that for too long a time they were not wanted. Professor Epstein predicts, and I share her view, that women at the bar, although they are now entering every field of legal endeavor, will continue to serve with a certain idealism and humanity, simply because those qualities are expected from them. But Professor Epstein urges, and again I agree, society should not load on women, more than on men, the role of guardian of social consciousness. Humane concern, she writes, is not properly labeled "women's work." In a world experiencing tremendous scientific advances, and frightening destructive potential, concern for humankind should be the work of all.

Your education at this law school should have encouraged you to pursue that concern throughout your professional career. In my view your use of your special training in relevance and rationality in pursuit of the public good, and not simply in pursuit of private gain, will make you no mere "mechanic or working mason," but a responsible member of a profession that is properly called learned.

In 1956, the Chief Justice of the United States, Earl Warren, said that "[o]ne of the characteristics that has ennobled this nation and made it great is our insistence on making justice equal and accessible for all." That statement did not then (and does not now) accurately reflect reality for the nonaffluent, but it captures the bar's highest aspiration. As stated in a 1975 resolution of the American Bar Association's House of Delegates: "it is a basic professional responsibility of each lawyer . . . to provide public interest legal services." The ABA defined "public interest legal service" to include legal assistance rendered without fee, or at a substantially reduced fee, in these areas: poverty law; civil rights law; public rights law; representation of charitable, religious, civic, governmental and educational institutions where payment of customary fees would significantly deplete the organization's economic resources; and administration of justice, encompassing activities to augment access to legal services and to reduce the time and expense of the law's processes. The ABA

further resolved that it is incumbent upon the organized bar to assist lawyers in undertaking pro bono work, and to foster and encourage government programs to advance access to justice.

Since that 1975 resolution, there has been a debate, sometimes heated, whether service pro bono, which all agree is indeed a professional responsibility, should be made mandatory for all lawyers or, at least, for new lawyers. The argument for compulsory public service, backed up by bar association sanction, generally rests on the state-granted monopoly lawyers enjoy with respect to the performance of legal services. The proponents of mandatory pro bono urge that the duty to serve the public is a quid pro quo lawyers owe because the public may gain access to the justice system, and may obtain services the bar defines as "the practice of law," only by engaging lawyers.

I am uneasy about that rationale, because it may imply a stand pat position on one of the principal causes of popular dissatisfaction with the law and lawyers. Beyond doubt, public esteem for the law and lawyers will not be high when lawyers are seen as defenders of complexity, cost, and delay, or as a greedy breed, seeking to cordon off domains which only the bar may superintend.

If the law, in several of its compartments, is unnecessarily complex (and it is), and if the law's processes are unjustifiably expensive and protracted (and they are), it should be a hallmark of a learned profession to so acknowledge and work toward change. Similarly, if the bar monopoly, with a right to exclude others enforced by the police power of the state, extends to tasks that could be performed competently by persons who are not lawyers, those tasks ought not to remain in the lawyer's exclusive preserve. Identification of means to streamline and bring down the costs of justice, and of transactions between individuals and enterprises, merits a high place among services that should be performed for the good of the public. Our current Chief Justice, Warren E. Burger, has placed special emphasis on this quality of pro bono effort. It is in the best tradition of a confident and able bar, a bar ready to be judged for its knowledge, proficiency, honesty, and integrity.

I am proud of the responsiveness of the organized bar in our time on questions of the public obligations of the legal profession. At the invitation of President Kennedy, bar leaders formed the Lawyers' Committee for Civil Rights Under Law, through which lawyers volunteer time, money, and effort to make constitutional doctrine with respect to racial and other forms of discrimination the law of the land in fact as well as in theory. The organized bar has been a valiant supporter of the National Legal Services

power exists in the United States." And he warned that by "lessening the independence of the judiciary," legislators in the United States risked undermining "not only the judicial power, but the democratic republic itself."

To return to my main theme, I prefer a conception of the duty of lawyers to serve the public good, not as the price of retaining an overbroad monopoly that lacks independent justification, but as a responsibility willingly accepted as vital to self-fulfillment by men and women who

Student awards

The hooding ceremony is a moment of reflection, recognition, and, this June, affection. The student committee asked Professor Kathryn Sowle to make the presentation of awards. This, too, was a commencement for Professor Sowle as she was leaving within days to assume her new professional association with the University of Miami. With the grace and good humor which endeared her to students, she made the awards recognizing student achievements for scholarship, Law Journal service and writing, and leadership. Students receiving these recognitions were **Woodrow Holt, Suzanne Kramer, Joel Jensen, James Hasenfus, Mary Brandt, Thomas Hampton, Gregory Stype, Donald Leach, Glen Myers, Dorothy Tabron, Susan Whitsitt, Sandra Cheshire.**

With solemnity (and a twinkle) Professor Sowle announced the "one time only" Associate Dean's Award. This award was for the student whose avalanche of energies, ideas, projects and spontaneous humor would give by his graduation the greatest sense of relief to the Associate Dean. The award was not to carry the usual certificate or money, but rather a permanent notation in the files of the Dean's Office. Although this was an uncomfortable moment for various "deserving" members of the class, relief and applause attended the announced recipient, **James Hasenfus.**

This good fun was a demonstrable quality of the Class of 1982; serious, achieving students who did not take themselves too seriously nor miss opportunities for a sense of humor, friendship and special good times offered through their shared experience at the College.

Elections to the Order of Coif

Election to the Order of the Coif is a distinction of superior scholastic achievement that is respected throughout the profession. The Ohio State Chapter of the Order voted to accept into membership graduates of the Class of 1982 who completed their education in the upper ten percent of the class and meeting all requirements for admission. The new members are listed alphabetically and their present association is indicated where known by the records of the Alumni Office. Congratulations to the following men and women.

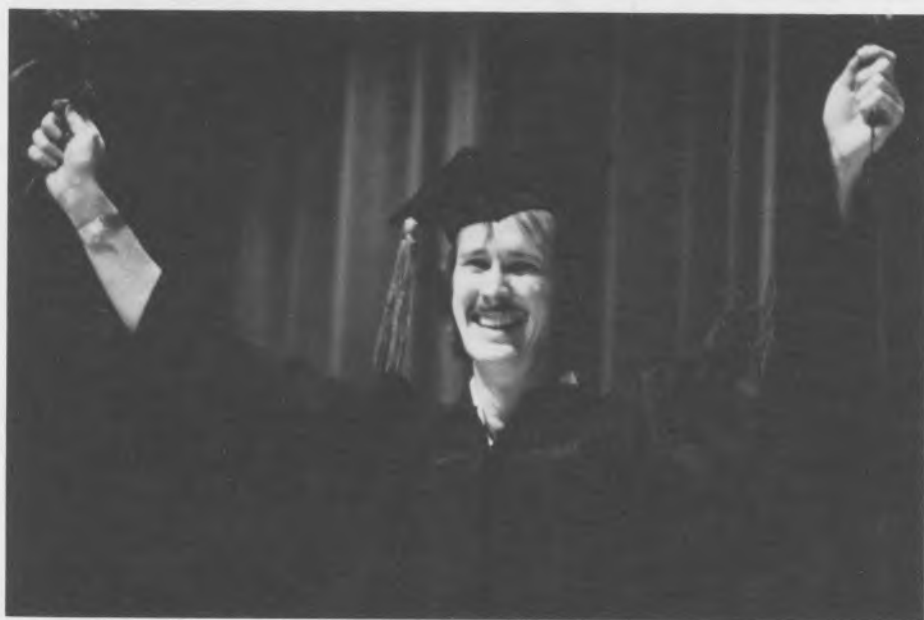
Identification of means to streamline and bring down the costs of justice, and of transactions between individuals and enterprises, merits a high place among services that should be performed for the good of the public.

Corporation. This year, the ABA has persistently opposed measures to strip federal courts of authority to consider certain issues, notably school prayer, busing, and abortion, that have engendered controversy. In this regard, the organized bar has responded nobly, alert to an observation and warning Alexis de Tocqueville made about our system over 150 years ago. That perceptive French magistrate, at the young age of 25, observed, in the course of his nine-month journey in our then new nation, that, despite the uniquely high place of the judiciary in our constitutional order, "a secret tendency to diminish the judicial

prize their education and their membership in a learned profession.

You have acquired specialized knowledge and skill through intensive training at this law school. I know you will derive greatest satisfaction if you use your knowledge and skill, not simply as an artisan doing a day's work for a day's pay, but as a contributor to the improvement of our legal system and an enhancer of its responsiveness to the American ideal of liberty and justice for all.

My congratulations to you and your families.



Jim Hasenfus enjoys "special" recognition.

Janenne Allen - Jones, Day, Reavis & Pogue, Columbus; **Catherine Blackburn** - Michael F. Colley Co., LPA, Columbus; **Mark Robert Blackmer** - Honeoye, New York; **Wanda Lees Carter** - Judge Holschuh's Chambers, U.S. Federal Dist. Court, Columbus; **Patrick Joseph Dugan** - Murphey, Young & Smith, LPA, Columbus; **Marlene Frank** - Porter, Wright, Morris & Arthur, Columbus; **Barbara J. Gustaferrero** - Erie, Pennsylvania; **Barbara Louise Hinske** - O'Connor & Cavanagh, Phoenix; **Joel Kermit Jensen** - Judge Kinneary's Chambers, U.S. Federal District Court, Columbus; **Benita Kahn** - Columbus; **Andrew Ray Leeper** - Burns, Jackson, Summit, Rovins, Spitzer & Feldesman, New York; **William Joseph Leibold** - Smith & Schnacke, Dayton; **Richard William Mancino** - Willkie, Farr & Gallagher, New York; **Gary Richard Martz** - Baker & Hostetler, Cleveland; **Douglas Morgan** - Simpson, Thatcher & Bartlett, Columbus; **Thomas Harvey Nelson** - Coopers & Lybrand, Pittsburgh; **Richard D. Roggenkamp** - Pitts, Eubanks & Ross, PA, Orlando, Fla.; **Robert Kenneth Rupp** - IBM Building, Columbus; **Theodore Thomas Schuld** - Arnstein, Glueh & Lehr, Chicago; **Susan Lee Simms** - Sixth Circuit Court of Appeals, Cincinnati; **Scott Benson West** - Brownfield, Bowen, & Bally, Columbus.

93.8% pass bar

Of the College's 152 graduates taking the Ohio Bar examination for the first time, 93.8% were successful. This compares to the overall pass rate of 76.8%. The College had the highest first-time success rate of all of the Ohio law schools; Case Western Reserve was second with 90.2%. The new members of the Ohio Bar were sworn in Monday, November 15. Congratulations to all.

The summer clerkship

The summer before graduation from law study is a critical time. For many it is a never-to-be-repeated opportunity for certain activities and experiences. Although some students filled the summer of 1982 with the family business, working abroad, or as one said "staying home with my five-year old twin sons", for most it was working in a summer clerkship. A clerkship can provide a valuable perspective to the student about the practice of law. A positive experience often results in a post J.D. association.



Meet Neil Stern, SBA President

The president of the Student Bar Association (SBA) this year is **Neil Stern**. Stern, 24, is the first second-year student to hold the office of president in the history of the law school, and he sees this as an advantage. "I will be **here** at the school next year, so I will have to live with my decisions," he said.

The hiring of second-year students as summer clerks is now the key recruitment activity of law firms. Students early into their law study make decisions that may well determine their future at the bar.

Although "clerkship" is a common term it can vary significantly depending upon the type of office, size, practice specialties, and geographic location. This fact can be illustrated by the experience of a few students employed in clerkships over the past summer.

Sonja Haller, a third-year student from Columbus, Ohio, spent the summer working in the office of an United States Attorney. Because of the size of the office, she was able to work with all of the attorneys on a variety of both criminal and civil cases. The work load and office organization provided a quick initiation into the lawyering process. She participated directly in pending cases by drafting motions, trial memoranda and sitting in on the actual trial. This experience "gave me an appreciation for the subtleties of decisions involved in litigation and the time needed for preparation." Her assignments varied from coordinating witnesses for a bank robbery trial ("even to making sure they got to the court on time") to writing an appellate

Stern, who has never run for any office before, was elected vice president, and appointed to the presidency when the president-elect resigned. As president, he is an ex-officio member of the faculty administration committee and attends faculty meetings.

A Cleveland-area native, Stern attended Oberlin College receiving his B.A. in 1981. While at Oberlin, he majored in government, minored in philosophy, and played piano at the conservatory.

Although SBA business keeps him busy and enables him to meet a lot of people ("Other students are always approaching me to ask questions," he said), he also is a member of the American Judicature Society and is on the *Law Journal* staff.

Some of the SBA business which kept him busy this fall was Supreme Court Justice Harry A. Blackmun's visit to the school in November, as well as the search for a speaker for hooding. Neil Stern looks ahead to a busy year for himself and the SBA which coordinates many student projects and activities.

brief. Critical to her clerkship was the fact "that the attorneys took a lot of time to talk to me specifically about what was going on, and gave me a lot of guidance."

Most students work with private law firms. A new phenomenon in this recruitment is the split internship. Students arrange to spend the summer in two offices, often in different states.

Gary Begeman, of South Dakota, spent his summer between a smaller Columbus office of a big firm and a large firm in Houston, Texas. In the Columbus office he was exposed "to a lot of different areas within the firm. It was probably a realistic view of practice as I juggled projects, much as attorneys do." His involvement in some first amendment litigation was "exciting" but "there was time pressure."

The end of the summer came in Houston, Texas in a firm of over 300 attorneys. Because of the firm size "the clerkship was more regimented but was well-organized. There was a careful selection of projects for each clerk." Gary Begeman also enjoyed being introduced to Houston—the "winning and dining circuit." He was enthusiastic about his summer and urges students to take advantage of a split internship if available.

Kathy Jenson, of Avon Lake, travelled to Costa Mesa, California to clerk for a large firm. Like most firms, she and other clerks were rotated through various departments to expose them to a variety of the law practiced. The firm was very professional and demanded a good work product, but there was a "more casual atmosphere" that helped to "lessen tensions." She attributed that mainly to the general ambiance of California. California was a definite attraction as she found time to "see Disneyland, camp in the Sierras, visit San Francisco and other major cities". She reports that the biggest thing about her clerkship is that "I am going back." She has accepted an offer to join the firm.

Although clerkships can produce variations on a theme, the student's personal experience can "be as much or as little as the individual makes it." Certainly the student's expectation and attitude play a big part in the value of the experience.

But the clerkship is a two-way proposition. Student comments support that the vital ingredients in making for a positive clerkship are: 1) the time given to the intern by the attorneys, 2) the concern about interesting assignments, and 3) the total professional and social experience. Sometimes the student has to take the initiative to make these things happen. Kathy Jenson sums it up when she said, "Some people complain about not enough feedback. But if I wanted to know something, I went and asked."

Students return to the College from their summer clerkships with more confidence about themselves and their choice of a legal career; some with the comfort of a job offer. They also gain an appreciation for the quality of their legal education as they test themselves favorably, often superiorly, to students from "better" law schools. The College is proud of the performance of its students who help to assure a continuing recruitment interest among hiring firms, accounting offices, government agencies and other employers.

This autumn brought over 100 firms to the College recruiting for 1983 summer clerkships. There is no question that for second-year students next summer is a critical time. The clerkship is a never-to-be-repeated experience. Their status as students is nearing an end.

Law Journal organizes and publishes

The *Ohio State Law Journal* has recently undergone its annual change of the editorial board and addition of new staff. This year there are twenty board members and thirty new staff members. Due to the increasing workload of the managing editors, the Board has created a new managing editor position, expanding the number of managing editors from two to three. This year's board includes: **Bill Phillips**, as Editor in Chief; **Martijn Steger**, Executive Editor; **Doug Cook**, **Heidi Rian**, and **Kim Straight**, Managing Editors; **Kathy Jenson**, Issue Planning Editor; **Bill Strangfeld**, Research Editor; **Alan Brenner**, **Bill Leuby**, **Jennifer Mills**, **Gayle Parkhill**, **Ed Samsel**, and **John Winkler**, Articles Editors; **John Burley**, **Susan Fendell**, **Sonja Haller**, **Steve Kozich**, **Jeff Plunkett**, **Dave Strasser**, and **Kris Treu**, Note and Comment Editors; and **Steve Thornton**, Business Manager.

The outgoing Board's final issue is its 1981-82 Symposium Issue, "Origins and Evolution; Drafters Reflect upon the Uniform Commercial Code" published in Volume 43, Number 3.

The new Board of Editors is well underway in its publication schedule for the Fall 1983 issue. It has selected as its topic for the 1982-83 symposium the current and prospective status of state prisoners' rights to federal habeas corpus review. This topic is especially timely in light of the renewed efforts to limit such review. Further, the U.S. Supreme Court's most recent pronouncements in this area, *Rose v. Lundy* and *Engle v. Isaac*, further attenuate state prisoners' rights to federal review of their convictions.

Subscription Solicitations

The Board this fall began a campaign to increase subscriptions to help ease the *Journal's* continuing financial difficulties. These efforts were coordinated with the initiation of the Ohio State Law Alumni Association organized by editorial board members graduated in 1982.

Board members hope, that by increasing subscriptions, they can avoid raising the annual \$15 subscription rate. Alumni who wish to subscribe for themselves or their organization may write directly to the Ohio State Law Journal, 1659 N. High Street, Columbus, Ohio 43210. Alumni subscriptions provide positive support for the maintenance of the excellence of the *Journal*.

The Brown Bag—It's more than a sandwich

There is more to the law student's day than classes, casebooks, and the library. An additional element to one's day may be the "brown bag". The brown bag (most held during the lunch hour) gives the law student a chance to learn outside of the classroom—often while munching away on a sandwich or apple. The topics a brown bag may cover range from politics to surviving first-year law study, with a little placement advice or evidence thrown in for good measure. There are no grades, no homework, and no attendance requirements; all that is required is interest on the student's part.

Numerous student groups sponsor the brown bags. Included among these groups are: Student Bar Association (SBA), Women's Law Caucus (WLC), Black American Law Student Association (BALSA), the National Lawyers' Guild (NLG), the Environmental Law Society, and the different legal fraternities—Delta Theta Phi, Phi Alpha Delta, and Phi Delta Phi.

Some of the programs sponsored this fall have been the Younger Evidence Tapes, a tax attorney's views on practice, a civil rights/Indian attorney's views, a discussion on the effect of alcohol on attorneys and the potential harms involved, first-year professors speaking on their experiences as law students, a discussion on the alternatives available in law practice, a public defender's views, a talk by a Sierra Club lobbyist, and also a talk by a city prosecutor.

Although autumn is a season when law students are traditionally overly-concerned with jobs, there also were a variety of brown bags this fall dealing with the election. Students had the chance to meet various candidates and to listen to their positions and views; they also had the chance to learn the pros and cons connected with a variety of the state issues on the election ballot.

All that is required for a brown bag is a group of individuals who are willing to find a speaker or speakers whom students will be interested in seeing. The sponsors then must secure a place in the building and advertise the brown bag so that students can plan to attend. In the student's busy schedule, the brown bag gives him or her an opportunity to keep an eye on the world outside the law school.

Alumnotes

1922

William A. Walter is well and practicing with Grayton, Walter & Tilton in Columbus, Ohio.

1933

Lawrence Burns senior partner in Pomerene, Burns v. Milligan, Coshocton, assumed the presidency of the College of Law Alumni Association at the fall meeting November 19.

1940

John J. Lynch is retiring as a judge, Court of Appeals, 7th District, in Youngstown on February 8, 1983.

1949

Leon E. Mendel is president of Leon E. Mendel Co., L.P.A. in Columbus, Ohio.

1952

James E. Estill is a judge in the Court of Common Pleas in Millersburg, Ohio.

Robert T. Formen is in private practice in Columbus, Ohio.

Roy Gabbert broke his leg in a motorcycle accident this past summer; we are pleased that he is mending well.

Roy J. Gilliland has retired from the U.S. Navy after 30 years of service as Lt. Commander. He also served as the Jackson County Prosecutor for six years, and in the Ohio General Assembly for four years.

William Lavelle is a partner with the firm of Lavelle & Goldsberry in Athens, Ohio.

William M. Mosholder is a probate judge in Juvenile Court in Mt. Vernon, Ohio.

Robert K. Shoecraft has retired and is living in Honolulu, Hawaii.

George Walker is a partner with the firm of Walker, McClure, Bohner & Brehmer; he has a P.O. Box LAW in Monterey, California.

Herman J. Weber is a judge, Court of Appeals, 2nd District, in Dayton, Ohio.

1954

Alba L. Whiteside is completing his 12th year as judge of the Court of Appeals, 10th District, Columbus.

1955

Richard C. Pickett became vice president of John W. Galbreath & Co. in September of 1982; he was formerly with the firm of Bricker & Eckler, Columbus.

1957

James G. Annos is with the firm of Lafferty & Annos in Lancaster, Ohio.

Alan Banker is a partner with the firm of Cinque, Banker, Lynch, Gromen & White in Bellaire, Ohio.

John V. Dye was elected to Probate Court in Eaton, Ohio.

Marc Gertner is a partner with Shumaker, Loop & Kendrick in Toledo, Ohio.

John A. Hoskins returned from his AID assignment in Africa and is currently serving as AID's Development Advisor with the U.S. Mission to the U.N. in New York, New York.

Sara Rush Hunter was re-elected to her second term in the Cleveland Heights Municipal Court.

Joseph D. Karam has recently retired from his practice Karam & Feinstein in order to spend more time in his Wendy's franchises and other investment interests.

Richard L. Loveland's son William was a graduate of the OSU College of Law this June.

Thomas A. Muntsinger is currently stationed in Colombo Sri Lanka as A.I.D.'s Legal Advisor; he spent three and a half years in West and Central Africa.

Paul McWhorter retired on July 15, 1982 after 39 years of teaching. He spent the last 24 years at North Texas State University, with 11 of those years spent as chairman of the Marketing Department.

1958

Joan Buckley is currently in full time practice in Las Vegas, Nevada.

1959

Charles F. Glander has recently joined the firm of Bricker & Eckler, Columbus. He was formerly a member of Glander, Brandt, Ledman & Newman, Columbus, which he help found.

1960

Thomas D. Badger has been appointed judge, Common Pleas Court, General and Probate Division, Knox County, Mt. Vernon, Ohio.

Rick E. Marsh has recently joined the firm of Schottenstein, Zox & Dunn, Columbus, he was previously associated with Sebastian & Marsh, Columbus. He has been elected Fellow of the American College of Trial Lawyers.

1962

William R. Bowlus was elected "Young Man of the Year" in Sandusky County this year; he is a partner with the firm of Stern & Bowlus in Fremont, Ohio. He is also the past president of the Sandusky Bar Association, The Kiwanis, and The OSU Alumni Association.

James L. Caplinger is the senior program officer in the Charles F. Kettering Foundation in Dayton, Ohio. He is also the chairman of the Conference at

Bellagio, Italy to explore "The Changing Nature of Governance," and chairman of the only International Network of City Managers from Europe, N. America, and Oceania.

Marshall "Bud" Douthett is in private practice in Jackson, Ohio.

Michael J. Dugovich is in private practice in Fairfax, Virginia.

James Kozelek is in private practice in Columbus.

Richard Mann is president of Venturertainment Corp. in Burbank, California, and serves as class representative.

Richard E. Meredith is a partner with Meredith, Meredith, Fait & Bosinger in Lima, Ohio.

Harvey S. Minton is in the Legal Department of Owen-Illinois Inc. in Toledo, Ohio. He is the author of "Ohio Excise Tax" (OSBA) and chairman of the Toledo Bar Association Criminal Administrative Reform Committee.

Robert J. Moore is judge in Common Pleas Court of Licking County in Newark, Ohio. He received the First Annual George W. Ritter award presented by the Ohio State Bar Association for outstanding contribution to the administration of justice.

Edward J. Schack is special counsel to the Interstate Commerce Commission in Washington, D.C.

Jacob A. Schlosser is a partner with Wilcox, Schlosser & Bendig Company in Columbus.

Clarence B. Taylor is an executive assistant, United States Attorney, Northern District of Ohio, Cleveland.

James L. Wilcox is the president of Wilcox Corporation in Columbus.

1965

Brian A. Freeman is currently the acting dean of Academic Affairs at Capital Law School in Columbus, Ohio; he also taught 15 years at the law school. He is the vice president of the Bexley Board of Education.

Frank J. McCown is the president of the OSU Tri-State Alumni Chapter and a referee for the Common Pleas Court; he also teaches business law at Ohio University in Athens, Ohio.

1967

Ralph D. Amiet is a partner with the firm of Buckingham, Doolittle & Burroughs in its Wooster office. He served as judge in the Wayne County Municipal Court from 1976-1982 and received the Award of the Ohio Supreme Court Superior Judicial Service for 5 years of service.

Clair M. Ball, Jr. has been appointed by Governor James A. Rhodes as chairman of the Workers' Compensation Board of Review.

Alan J. Briggs is a partner with Murphey, Young & Smith in Columbus.

Douglas Callendar is with GEO Energy, Inc., oil & gas producers, in Worthington, Ohio.

Edwin M. Cooperman has recently been named vice president of Canadian Operations for American Express in Ontario, Canada; he has been in the New York office of the company.

Anthony J. DiVenere is with the firm of Burke, Haber, Berick Co., L.P.A. in Cleveland; he has completed four marathons including New York City and Chicago.

David G. Dill is with Pacific Mutual Life Insurance Company in Newport Beach, California.

David M. Jones is a partner with Eastman & Smith in Toledo.

Ronald A. Rappoport is counsel to the marketing department of IBM Corporation in Bethesda, Maryland; he was previously working for two years in the Paris, France office of the corporation.

Frank D. Ray is director of the Small Business Administration in Columbus, Ohio.

Jack C. Rubenstein practices as partner of Rubenstein & Rubenstein. He currently serves on the Executive Committee of the Cincinnati Bar Association; he was chair of the Criminal Law Committee of the Association 1978-80.

Paul R. Valente teaches Labor Law and Labor Economics at Wittenberg University in Springfield in addition to his private practice. He has also been the Springfield Country Club Tennis Champion for the past three years.

W. Dallas Woodall is with the firm of Letson, Griffith, Kightlinger & Woodall in Warren, Ohio.

1968

V. Robert "Bo" Barker is in practice in Seattle, Washington.

Dale A. Crawford was elected Nov. 2 to the Court of Common Pleas of Franklin County; he was serving on the Municipal Court.

William J. Kysear is manager of the Trade Services Corporation of The Central National Bank of Cleveland's International Division.

Ron J. Perey is a partner with Perey & Smith, Seattle, Washington.

1969

Roger E. Kephart is a partner with Peck, Schaffer & Williams in Columbus, Ohio.

Robert F. Howarth as of the first of the year will be vice president for Public Relations of Huntington Bank, Columbus; he served as executive assistant to Governor James A. Rhodes, Governor's Office, Columbus prior to this appointment.

William H. Moorhead was promoted in 1981 to senior vice president of trust for the First National Bank of South Carolina. He has been active in community organizations involved with mental retardation and planning.

Michael G. Oxley was reelected Nov. 2 to his U.S. Congressional seat.

1970

Mark Anderson is a lieutenant colonel at Mather Air Base in Sacramento, California.

Samuel Coon has left the practice of law to attend the World Harvest Bible College in South Bend, Indiana.

Timothy Cline is a senior partner with his father in the firm of Cline & Cline in Dayton.

Gary P. Gormin is a partner with Gormin, Groghegan, Covert & Green, Clearwater, Florida, and he operates a chain of pipe and tobacco shops in Minnesota and Florida.

Karen Adkins Holcomb is general counsel with Wolverine World Wide Corporation Inc., in Rockford, Michigan.

Curtis Griffith Jr. is deputy director of the State of Ohio's Disaster Services Agency.

William W. Johnston is with the firm of Crabbe, Brown, Jones, Potts & Schmidt in Columbus.

William "Bill" P. Kinsey is chairman & chief executive officer of Northern California Food Services, Inc., in Rancho Cordova, California. He was also a Rax Systems developer and operator from 1973-1978.

Peter A. Precario practices in Columbus and is active in the local and state Audubon Society.

Gregory L. Ridler is vice president and trust counsel of Mahoning National Bank of Youngstown, and is currently pursuing an M.B.A. at Kent State University.

1971

Michael W. Grossberg is a CPA and has an accounting and law practice in Atlanta, Georgia.

G. Thomas Sandbach is in Wilmington, Delaware (contrary to the Su '82 printing) and is chairman of the Republican Party for the City of Wilmington.

Charles W. Kettlewell in August of 1982 became president of the National Association of Bar Counsel (NOBC) and was appointed for a two year term as member of the American Bar Association Standing Committee on Professional Discipline; he is chairman of the Special Committee of NOBC which published in August 1981 the "Proposed Amended Disciplinary Rules to the ABA Model Code of Professional Responsibility." He is currently assistant disciplinary counsel of the Office of Disciplinary Counsel of the Supreme Court of Ohio and is an adjunct professor at the College of Law for the teaching of a Professional Responsibility course.

1972

Lee M. Finkel was promoted to Senior Labor Counsel of Motorola, Inc., and was transferred to the Phoenix, Arizona office.

Jeffrey T. Folkerth is a partner in the firm of Folkerth, Webster, Mauer & O'Brien in Columbus and was a candidate this fall for judge of the Court of Domestic Relations in Franklin County.

Kenneth A. Gamble is a partner in the firm of Gamble & Drake in Columbus.

Thomas H. Grace is a partner in the firm of Scott, Walker & Kuehnle in Columbus.

Douglas S. Jauert is a partner in the firm of Weger, Jauert & Herman in Wapakoneta, Ohio.

James J. Johnson is senior counsel to the Procter & Gamble Company in Cincinnati, Ohio.

Stephen W. King is in private practice and also serves in the office of the County Prosecutor in Troy, Ohio.

Martin Kodish is a partner with the firm of Silver & Kodish in Woodland Hills, California.

Michael P. Mahoney is a partner in the firm of Knepper, White, Arter & Hadden in Columbus.

Brian L. Masony is in private practice in the United States Virgin Islands and is loving every minute of it.

Roger J. McClure is in private practice in Washington, D.C. and is an adjunct professor at The Antioch University School of Law.

Steven M. Nobil is a partner in the firm of Millisor, Belkin & Nobil in Akron.

William M. Owens just finished terms as president, Coshocton Area Jaycees, and president of the West Lafayette Lions, from which he received the Distinguished Services Award.

Richard C. Pfeiffer is in private practice in Columbus, Ohio and was elected Nov. 2 to the 15th Ohio Senate District seat.

Gregory R. Poole is vice president and associate counsel in The Central National Bank of Cleveland's Law Department.

John J. Powers is assistant chief in the U.S. Department of Justice, Antitrust Division in Washington, D.C.

Alan T. Radnor is a partner in the firm of Vorys, Sater, Seymour & Pease in Columbus, and is teaching at the College of Law as an adjunct professor.

James R. Rishel is chief counsel to Ohio's Attorney General William Brown, Columbus.

Ronald L. Rowland is with the firm of Vorys, Sater, Seymour & Pease in Columbus.

Thomas D. Rooney is a partner in the firm of Millisor, Belkin & Nobil in Akron; he was married on June 20, 1981.

Kenneth J. Spicer is a partner in the firm of Metz, Bailey & Spicer in Westerville, Ohio.

Kurt L. Schultz is a partner in the firm of Winston & Strawn, Chicago, Illinois. He interviews for the firm at the college.

Jerry A. Stimmel is with the firm of Sherrow & Stimmel in Seattle, Washington.

Roger R. Stinehart is a partner in the firm of Jones, Day, Reavis & Pogue in its Columbus office.

Blake Stone is a partner in the firm of Gluck, Miller, Stone & Co. in Wooster, Ohio.

James E. Young is law director, City of Cleveland.

John W. Zeiger is a partner in the firm of Jones, Day, Reavis & Pogue in its Columbus office.

1973

Thomas F. Luken is in private practice in Ft. Lauderdale, Florida.

Joseph E. Scuro Jr. is in private practice in San Antonio, Texas.

Michael E. Yurosko is manager for Corporate Tax Planning, Atlantic Richfield Co., in Los Angeles, California.

1974

Lois G. Williams joined the National Treasury Employees Union in Washington D.C. as director of litigation.

1975

James Carpenter is the former administrative assistant to Robert Shamansky, U.S. Representative in the 12th District. He is now with Carlile, Patchen, Murphy & Allison of Columbus.

Kathleen O'Brien is with the legal department of Plough Inc., in Memphis, Tennessee.

1976

J. Rick Brown has been appointed city prosecutor in Portsmouth, Ohio.

Patricia Hale is in Geneva, Switzerland.

David M. Gold who has also a Ph.D. in History will soon have published a book *John Appleton and Responsible Individualism in 19th Century Law*; he practices in Columbus and does some teaching of history.

Robert M. McGreevey is in Geneva, Switzerland working for Amoco International.

Laurence F. Schiller is associated with the firm of Smith, Hirsch, Brody & Weingarden in Detroit, Michigan.

1977

Robert W. Gardier Jr. has his own practice and is in the private investment banking business with Aegis Group of Columbus, Ohio. He enrolled in Harvard Business School in September.

Ted C. Honold has recently joined the firm of Alder, Pollock & Sheehan in Providence, Rhode Island; he previously practiced with a firm in Honolulu, Hawaii.

Richard W. Kuck was recently promoted to manager of the Arthur Andersen Co., in the Cincinnati office.

Steven H. Noll has recently been made a partner with the Chicago firm of Hill, Van Santen, Chiara, Steadman, & Simpson; he is involved with patent, trademark and copyright law.

Dennis P. Wirtz has opened an office on Busch Blvd. in Columbus; he was formerly in association with Crabbe, Brown, Jones, Potts & Schmidt of Columbus.

Carol Zelizer Stoff is with Squire, Sanders & Dempsey in their Cleveland office.

1978

Catherine Adams has recently become associated with the firm of Bricker & Eckler in Columbus; she was married this past summer to City Attorney Greg Lushutka.

Richard A. Estabrook is in private practice in Bangor, Maine.

Larry R. Rothenberg is associated with the firm of Weitman, Weinberg & Associates Co., L.P.A. in Cleveland.

Patrick L. Singer is a captain in the United States Air Force and is stationed in Guam for two years.

Jo Ann Wasil is with the firm of Baughman & Associates Co., L.P.A. in Cleveland.

1980

Richard Davies is associated with Baughman & Associates Co., L.P.A. in Cleveland; he was formerly with the Dayco Corporation in Dayton.

Lucile Weingartner is in the legal department of the National City Bank in Cleveland.

1981

Diane M. Signoracci is associated with the firm of Bricker & Eckler, Columbus.

Deborah A. Waterman is with the firm of Goodwin & Goodwin in Charleston, West Virginia.

1982

Stephen Meagher and **John Pembroke** had the edited version of their paper for Professor Murphy's Natural Resource seminar published as "Aspects of the Legal Regime in the United States, Pertaining to Coastal Zones" in 49 *Ekistics* 293.

* * *

Deaths in the Law School family

Henry Greenberger, '15; C. Don McVay, '18; Raymond A. McFadyen, '25; Ralph J. Rekart, '25; William M. Elder, '28; John D. Hartman, '29; Louis H. Wolfe, '29; Jackson Bosch, '32; Dwain N. Ewing, '33; Carl C. Leist, '33; Warren C. Armstrong, '34; John L. Hutson, '47; Carl D. Munselle, '48; Nancy K. Skomp, '52; Samuel F. Spoerl, Jr., '52 and Irene P. Bowman, '55.

Tis The Season



*Best Wishes for the Holidays
and
A Happy New Year*



The Ohio State University

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